

**Open Secrets:
Congressional Oversight of the CIA in the Early Cold War**

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Preface

Shrouded in secrecy by design and function, from its inception in 1948 the Central Intelligence Agency (CIA) was the embodiment of the United States intelligence establishment during the opening decades of the Cold War. In this period, in the words of the late Harry Howe Ransom, pioneer scholar in the field of American intelligence studies, the CIA, under the control of the executive branch, was "an organization with great power and influence, but without much public visibility or public accountability in the democratic sense."¹ Its power had grown out of its mission to defend the nation against foreign threats and espionage. The Agency, as it is known, exercised that power then, as it does today, mainly through the use of intelligence, counterintelligence, and covert action – invisible machinery that gathers and assesses information and plans and executes secret operations.² During much of the Cold War pronounced secrecy in foreign affairs and defense was deemed by the executive branch to be essential. Little sensitive intelligence was shared with Congress, and for many years the legislature accepted this status quo, giving presidents free reign over the nation's intelligence services. Intelligence work rose as an exception to rooted principles of American government and its canons of accountability.³

The dominance of the executive branch in the intelligence arena epitomized what Ransom characterized as a "secrecy-accountability dilemma,"⁴ in which intelligence operations controlled exclusively by the president frequently operated behind a veil of secrecy, while in theory American democratic values demanded

¹ Harry Howe Ransom. "Strategic Intelligence and Foreign Policy." *World Politics* Vol. 27, no. 01 (1974): 137

² David Wise and Thomas B. Ross. *The Invisible Government*. (New York: Random House, 1964), 2

³ Loch Johnson. "The Church Committee Investigation of 1975 and the Evolution of Modern Intelligence Accountability." *Intelligence and National Security* Vol. 23, no. 2 (2008): 205

⁴ Harry Howe Ransom. "The Intelligence Function And the Constitution." *Armed Forces & Society* Vol. 14, no. 1 (1987): 46

public accountability for those same actions. During the Cold War years, the players in the political system sought to reconcile these conflicting interests by seeking and ultimately achieving formalized congressional oversight of intelligence operations.

At one end of the spectrum, in the early 1950s, Presidents Truman and Eisenhower were largely able to keep intelligence to themselves, despite suffering a number of politically costly and deeply embarrassing intelligence failures (the breakdown in secrecy surrounding the Manhattan project which produced the Soviets' earlier than expected atomic bomb; the failure to foresee the Chinese entry into the Korean War; and the launch of the Sputnik satellite). Contemporary scholarship refers to the congressional attitude in those years as "hands off" and constituting an "era of trust" – spying was for the spies – and Congress deferred time and time again to the executive branch. But already in 1948 the congressional search for more control over the CIA had begun, and by 1953 the oversight tide started to run in the other direction when Mike Mansfield, a junior Senator from Montana who had previously served in the House, presented his first resolution to subject the intelligence apparatus to the oversight of a joint committee of Congress. In 1956 a modified iteration of Mansfield's bill would garner the support of more than one-third of the Senate (with Mansfield eloquently but futilely urging that "regular and responsible congressional scrutiny would reduce the threat to our democratic processes which this uncontrolled Agency by its very nature now possesses."⁶). His efforts would culminate in a floor debate that pitted the fear of Communism abroad against the fear of tyranny at home, and although the Mansfield resolution would ultimately be defeated, his efforts prompted real oversight reform.

At the far end of the spectrum, in the mid-1970s, revelations in the press of secret and illegal surveillance of the anti-war movement stunned unknowing

⁶ *Congressional Record*, 83rd Congress, 2nd Session, p. 5924 (10 March 1954).

lawmakers and gave rise to the “Year of Intelligence,”⁵ from which investigations by the Church Committee in the Senate and the Pike Committee in the House, led to the formation of standing CIA oversight committees in both chambers. According to Walter Mondale in 1976: “If there is one lesson that our Committee felt above all must be learned from our study of the abuses which have been reported, it has been the crucial necessity of establishing a system of oversight.”⁶ But strong arguments for better oversight were asserted much earlier in the Cold War and serious efforts to better monitor the CIA caused a lively debate on Capitol Hill that spilled over to the White House. The common cords between the early unsuccessful resolutions and the creation of Select Committees on Intelligence – despite the difference in legislative result – were intelligence failures that highlighted the underlying lack of executive branch accountability stemming from the absence of congressional knowledge. The legislature’s response to the U-2 incident and their direct involvement in Bay of Pigs decision-making process shows a search for controls through congressional oversight was already underway.

⁵ Common nomenclature for the period from 1974-1975 in which both houses of Congress and a special White House commission investigated the activities of U.S. intelligence community.

⁶ Loch Johnson. “Congressional Supervision of America’s Secret Agencies: The Experience and Legacy of the Church Committee. *Public Administration Review*, Vol. 64, no. 1 (Jan/Feb 2004): 7

I. Introduction

In 1960 – between the Mansfield resolution and the Church Committee investigation – Gary Powers failed U-2 flight over the Soviet Union put espionage back into the spotlight. Senator J. William Fulbright, who had supported previous bids for enhanced intelligence oversight, used this incident to help revitalize the sputtering Senate Foreign Relations Committee (SFRC). On the defensive about the cancelation of an upcoming summit with the Soviets, after the incident became public Eisenhower went on television and called the aerial spying a “distasteful but vital necessity.”⁷ Fulbright, who wanted to know why the President had risked the summit to gather intelligence, was able to convince the Senate to authorize an investigation based on the argument that it would be “good for the soul of the country to get an understanding of what happened.”⁸ The verdict the SFRC chairman delivered was damning: Eisenhower’s handling of the affair had been the “immediate cause of the [summit] collapse” and Fulbright warned the President’s administration to learn a lesson from the incident.⁹

And perhaps Kennedy did just that. In 1961 the Bay of Pigs Invasion ended in disaster. But this colossally failed infiltration of Cuba was not followed by damning criticism by Congress or heightened cries for greater congressional oversight of intelligence operations. President Kennedy, having himself voted for Mansfield’s resolution in 1956, took extensive pains, unlike any Cold War presidents before him, to inform congressional committees and key congressional figures in foreign policy ahead of time about the planned incursion, and to involve them in the process. As a result, Congress shared accountability and blame with the President, and correspondingly congressional criticism of the executive branch was blunted.

⁷ News Conference Statement by President Eisenhower, May 11, 1960

⁸ Warren Duffee, “Fulbright Calls for U-2 Probe,” *Washington Post*, May 22, 1960

⁹ *Congressional Record*, Senate, June 28, 1960

On Eisenhower's watch, Congress was not consulted on important covert actions, leading to stern criticism of intelligence failures and charges of executive overreach. Conversely, Kennedy did consult with the legislature, forcing Congress to own up to its part in the doomed Bay of Pigs Invasion. It seems clear from the aftermath of the U-2 situation and the Bay of Pigs fiasco that during the Cold War knowledge and information underlay how accountability for intelligence operations was fixed, and that congressional oversight of executive branch intelligence (whether through joint committees or less formal consultation as with the Bay of Pigs) was the antidote to Ransom's secrecy-accountability conflict.

Framing the intelligence conflict are constitutional considerations that implicate the system of checks and balances on which the Constitution is founded. While the Constitution nowhere specifically addresses intelligence work, one consideration Ransom advanced was that as the Commander-in-chief of the armed forces, the maker of treaties, and the architect of foreign relations, the nation's intelligence function should be the domain of the president.¹⁰ He also believed, however, that Congress had an equally justifiable claim of authority over covert intelligence activities arising out of its war and treaty making powers, as well as from its control over the nation's purse.¹¹ In this context, Ransom argued, the intelligence function was forced into the constitutional framework of checks and balances, inevitably leading to the secrecy-accountability conflict.¹²

The very nature of the Cold War necessitated intelligence gathering, and the exclusive presidential control over foreign policy secrets, exacerbated by the CIA's lack of accountability outside of the executive office, led to an appropriation of power by the executive branch only minimally constrained by congressional oversight of the CIA. Constitutional powers over appropriations, as well as oversight provisions

¹⁰ Ransom, "The Intelligence Function And the Constitution," 44

¹¹ Ibid

¹² Ibid, 45

required by the Agency's charter, gave the most proportionally elected branch of government, at least in theory, the ability to balance the president's command of intelligence policy and to ensure that operations met legislative standards. Nonetheless, many scholars have contended that Congress failed to hold the intelligence community in check during the Cold War.¹³ Still, in spite of strong support in the press and from some senior senators, the nature of Cold War intelligence gathering and the more general congressional attitude towards such activities prevented substantial restructuring of the CIA oversight apparatus. It would take another twenty years before Congress would once again endeavor to assert its authority over the CIA, but many of the issues raised in the 1950s regarding the feasibility of a secret agency operating in an open democracy remained unresolved, and perhaps always will.

Proper congressional oversight has the benefit of reconciling the conundrum posed by a secret intelligence service operating in an open democracy, but it also requires the Legislature to act assertively. According to Ransom, when secrecy and accountability clash, Congress must weigh the need for concealment against the demand to uphold its own responsibility, otherwise a culture of excessive secrecy can unintentionally develop.¹⁴ Throughout the Cold War, Congress upheld their oversight responsibilities unevenly – unsuccessful calls for better oversight of the CIA often followed public intelligence failures, while calls to “unleash” the Agency more often accompanied the perception of an increased Soviet threat. One consequence of this, and indeed an important element of Ransom's article, is: “When a strong consensus undergirds foreign policy, including agreement in the executive and legislative sectors on policy ends and means, the American system permits a high degree of

¹³ Ibid, 43

¹⁴ Ibid, 48

secrecy.”¹⁵ Once the Cold War locked into place, it was this “the ends justify the means” understanding that was often used to rationalize constitutional infringements on the basis of national security, and that allowed Congress to overlook the fact that the CIA’s duty to “defend the nation” was becoming more of a justification than a charge.

For the president and many in Congress, a strong belief in the overarching threat of Soviet Communism led to a mutual understanding that secret operations in defense of national security were too fragile and too dependent on secrecy to fit into “the Madisonian framework of legislative safeguards against executive power.”¹⁶ The effect of this consensus was to encourage legislators to defer to presidents on crucial intelligence issues.¹⁷ Covert operations, the more active sibling of intelligence gathering in the CIA family of clandestine activities, were carried out with very little congressional oversight during those administrations. Considered the “golden years” for the CIA in terms of autonomy, one belief during this period was that honest agents would defend their country to the best of their ability within the limits of civilized society – what Loch Johnson has termed “intelligence exceptionalism.”¹⁸ The logic was “that it was better to let spies go their own way into the back alleys of the world, fighting the justified, if unsavory, war against global communism.”¹⁹ According to Loch Johnson, the most “seasoned”²⁰ scholar of CIA oversight, many congressional members made it clear during the first half of the Cold War that intelligence work would be, “left to the professionals with little supervision,” and at

¹⁵ Ibid, 43

¹⁶ Johnson, “The Church Committee Investigation of 1975 and the Evolution of Modern Intelligence Accountability,” 206

¹⁷ David M. Barrett. *The CIA & Congress: The Untold Story from Truman to Kennedy* (Lawrence, Kansas: University Press of Kansas, 2005), 458

¹⁸ Johnson, “The Church Committee Investigation of 1975 and the Evolution of Modern Intelligence Accountability,” 212

¹⁹ Ibid

²⁰ Reference to Loch Johnson’s book *Season of Inquiry*

times, "lawmakers failed to use oversight powers due to a lack of motivation."²¹

Oversight also held no political advantage in terms of claiming credit, and exposed Congress to controversy.²² When questioned about CIA oversight in 1956, Leverett Saltonstall, a prominent member of the Senate's Armed Forces Committee, replied:

"The difficulty in connection with asking questions and obtaining information is that we might obtain information which I personally would rather not have, unless it was essential for me as a Member of Congress to have it... It is not a question of reluctance on the part of CIA officials to speak to us. Instead, it is a question of our reluctance, if you will, to see information and knowledge on subjects which I personally, as a Member of Congress and as a citizen, would rather not have."²³

Saltonstall's comments captured one stream of congressional belief that led to the informal approach towards intelligence matters.

On top of the reluctance of legislators to become involved with gritty intelligence activities, there was a shared and prevailing-view, as pointed out by Ransom and opposed by supporters of oversight reform, that the executive branch should lead in foreign affairs, with Congress tending to defer to presidents and leaders of the CIA when it came to intelligence work and covert action.²⁴ According to David Barrett's 2006 book, *The CIA and Congress: The Untold Story from Truman to Kennedy*: "In light of the dangers posed by a world with nuclear weapons and menacing ideologies, many members of Congress saw their branch now as being of secondary importance in the foreign and defense policy realm."²⁵

The United States' participation in two world wars opened many eyes to the potential uses for, and value of, special military operations, and provided a nucleus of personnel well versed in clandestine capabilities.²⁶ As the American-Soviet alliance began to breakdown at the end of World War II, the threat of Communism quickly

²¹ Johnson, "The Church Committee Investigation of 1975 and the Evolution of Modern Intelligence Accountability," 212

²² Ibid

²³ Barrett, *The CIA & Congress*, 257

²⁴ Ibid, 458

²⁵ Ibid, 141

²⁶ Ibid, 15

replaced Fascism as the consummate danger to democracy and freedom. In response, the Truman administration restructured the wartime OSS as a permanent peacetime intelligence agency with paramilitary capabilities separate from the military (prior to this intelligence organizations had always been tied to the military).²⁷

In his 1986 book *The Agency: The Rise and Decline of the CIA*, John Ranelagh wrote: "In the white heat of [post-War] anger, the American governing elite held to their liberalism and created, in the CIA, an extraordinary weapon – both shield and sword – for the inevitable engagement with the Soviet Union."²⁸ The CIA's charter, the National Security Act of 1947, included the provision that it would perform "such other functions and duties relating to intelligence affecting the national security as the national security may from time to time direct."²⁹ According to numerous Cold War scholars, it was this prearrangement that furnished the Agency with the legal authority to conduct secret warfare and sometimes even provided an excuse to keep Congress in the dark about covert actions.³⁰

In "The Intelligence Function and the Constitution," Ransom described covert action as, "secret political intervention in foreign areas in which the role of the aggressor government is concealed. The utility of secret action is justified on the grounds that it offers an option for achieving foreign-policy objectives between diplomacy and overt military force."³¹ While paramilitary operations are not the sole type of covert action, according to John Prados, a senior fellow at the National

²⁷ L. Britt Snider. *The Agency and the Hill: CIA's Relationship with Congress, 1946-2004* (Washington, D.C.: Center for the Study of Intelligence, Central Intelligence Agency, 2008), 3

²⁸ John Ranelagh. *The Agency: The Rise and Decline of the CIA* (New York: Simon and Schuster, 1986), 731

²⁹ National Security Act, 1947

³⁰ John Prados. *Presidents' Secret Wars: CIA and Pentagon Covert Operations since World War II* (New York: W. Morrow, 1986), 21

³¹ Ransom, "The Intelligence Function And the Constitution," 56

Security Archive, they are the most significant and have the greatest potential for damaging American national interests.³²

This was not entirely lost on Congress, but even though at the CIA's inception some feared this function might cause it to become too powerful or lend itself to militarism, the sense emerged that only a handful of legislators should have access to its secrets.³³ As a practical matter, responsibility for CIA oversight fell to the Appropriations and Armed Services Committees of the Senate and the House of Representatives. In the Senate, a joint CIA subcommittee on covert action was eventually established, and in the House, each parent committee created its own CIA oversight group with access to sensitive intelligence work. But all of this happened without formal action by either congressional chamber, perhaps indicating their intention to leave the Agency alone. Furthermore, CIA subcommittees remained ad hoc and oversaw very little for many years; according to Clark Clifford, who served as an advisor to Democrat presidents from Truman to Carter: "Congress chose not to be involved and preferred to be uninformed."³⁴

The amount of secrecy tolerated by Congress seems to have been largely proportional to the perceived threat of the Soviet Union – the greater the perceived threat, the more tolerance for executive branch secrecy. Although the CIA was not immune to congressional criticism, in the early days when the subcommittees met with Agency leaders, questioning was mostly brief and perfunctory. For much of the Cold War, the prevailing logic in Congress remained: that in order to fight a war against global communism in the shadows, spies must be allowed to operate unencumbered. According to Stephen F. Knott, Professor of National Security Affairs

³² Prados, *Presidents' Secret Wars*, 21

³³ Barrett, *The CIA & Congress*, 22

³⁴ Robert David Johnson. *Congress and the Cold War* (New York: Cambridge University Press, 2006), xv

at the U.S. Naval War College and author of *Secret and Sanctioned: Covert*

Operations and the American Presidency:

“The popular view that Congress was kept in the dark by the Agency and was unaware of its actions simply does not hold up to inspection. The truth was closer to what Senator Russell once told the CIA’s Congressional liaison: ‘there isn’t a single member of this Senate that’s so lowly that he can’t make life unbearable for you fellas if he decides he wants to do it.’ The fact that senators rarely did make life unbearable was an indication of bi-partisan support for the Cold War foreign policy.”³⁵

But just how inquisitive congressional leaders were about CIA covert actions during the early years of the Cold War remains largely unexamined due to the informal nature of their oversight and a lack of documentation. Since the subcommittees had no place to store classified information, any notes taken during classified meetings would have been turned over to the CIA or destroyed.³⁶ Furthermore, David Barrett, a Political Science professor at Villanova University specializing in the intersection of the Presidency, Congress, and the CIA, asserts in his book: “From the start, heads of Congressional subcommittees on the CIA insisted even more strongly than Agency leaders” that hearings be cloaked in secrecy.³⁷

An enthusiastic consensus in Congress supporting covert action shaped the priorities and decision making of the CIA and encouraged more robust clandestine interventions. In *The CIA and Congress*, Barrett also points out that Congress identified covert action in its own budget documents as “Cold War activities,” an indication that such activities were seen as part of the Cold War arsenal.³⁸ Furthermore, in the chill of the early Cold War, Congress rarely fought along party lines about the CIA. Both parties were fully aware that the U.S.S.R. was aggressively trying to establish and promote loyal Communist regimes around the world using its own covert means, and accordingly, partisan considerations were downplayed in the

³⁵ Stephen F. Knott. *Secret and Sanctioned: Covert Operations and the American Presidency*. (New York: Oxford University Press, 1996), 163

³⁶ Snider, *The Agency and the Hill*, 3

³⁷ Barrett, *The CIA & Congress*, 4

³⁸ *Ibid*, 260

late 1940s when the war was barely in hindsight. In fact, with the memory of WWII so fresh, Congress was understandably hawkish about covert action – legislators on CIA subcommittees would often offer unsolicited suggestions that the nation’s spies more aggressively pursue the “quiet option,” using phrases such as psychological warfare, special operations, political warfare, and others.³⁹ But still, even with such strong interest, congressional assertiveness of its oversight prerogatives towards covert action was minimal in those years.

In 2008, former CIA Inspector General L. Britt Snider published *The Agency and The Hill: CIA’s Relationship with Congress, 1946-2004*. Largely a response to Barrett’s *The CIA and Congress*, released just two years earlier, Snider used his high security clearance to access still classified data to rebut some of Barrett’s points, but also to build on other aspects of his work. In the first chapter of *The Agency and The Hill*, in a section entitled “The Early Oversight Arrangements: 1947-56,” Snider describes, “how doubts about the efficacy of the existing oversight arrangements began to appear with greater frequency,” especially as “actual or perceived failures began to mount – for example, the failure to predict the Soviet atomic bomb test in 1949... and the invasion of South Korea.”⁴⁰ But in fact, the first resolution to create a formal joint congressional oversight committee for the CIA was introduced in 1948, barely a year after the CIA’s inception and well before the debate over secrecy in foreign policy heated up America’s internal Cold War politics.

³⁹ Ibid, 33

⁴⁰ Snider, *The Agency and the Hill*, 6

II. First Attempt to Formalize Intelligence Oversight

Perhaps not surprisingly, the oversight debate did not begin over any challenge to American freedom or democracy, but was based on an unrealistic expectation for the Agency to predict every volatile situation abroad. On April 9th, 1948, eight years to the day before the floor debate in the Senate began over Mansfield's resolution to formalize congressional monitoring of CIA activities, the city of Bogota, Columbia exploded with riots after the assassination of a liberal presidential candidate opposed to the dominant conservative government. With the dream that the CIA could be an "all seeing" intelligence agency essentially shattered, a junior Representative in the House named Edward James Devitt introduced a concurrent resolution to set up a joint congressional committee on intelligence.

Realistic or not, in 1948 the bar was set high for CIA predictions, and so the quickly escalating violence in Columbia was particularly jarring. Devitt, who had served in the Navy before being elected as a Republican Congressman from Minnesota in 1947, was a trained lawyer, and instead of introducing his bill as the reaffirmation of a Constitutional prerogative of Congress, he based his argument on the more solid Cold War ground – "The Communist gang in Moscow conducts its aggrandizement through subterfuge and chicanery. It operates through infiltration and coming design. It is only through an efficient and well-organized intelligence service that we will be able to anticipate and combat deceitful and stealthy conduct of this kind."⁴¹

In the mid-1950s, some Senate Republicans broke with their conservative Cold Warrior colleagues and discouraged writing a blank check for intelligence echoing this efficiency argument, but Devitt's contention seems especially prescient for having come before any well-known intelligence fiascos. Furthermore, the makeup of the committee he envisioned indicates an uncanny perceptiveness on the

⁴¹ *Congressional Record*, April 21, 1948

part of a novice politician with less than one term under his belt. Mimicked by Mansfield in his 1953 proposal, Devitt asked for an eighteen member panel, nine from each house to be drawn from three relevant subcommittees, to “evaluate the operations of those [intelligence] agencies and to review the progress achieved in the execution and administration of their programs.”⁴²

Showing even more foresight, he concentrated on consolidating and formalizing the current informal subcommittee structure, an aspiration highlighted by his provision that the proposed committee only “give aid and assistance to the various standing committees of Congress,” and not “deprive any committee of Congress of its traditional jurisdiction.”⁴³ This clear attempt to avoid the toes of those already in leadership positions on Capitol Hill was something Mansfield would later find impossible. Both men also walked a fine line and took a careful approach to taking on what many considered America’s first line of defense. From the start Devitt framed the issue of better CIA oversight as a chance to strengthen national defense and security: “The flow of intelligence, insofar as it pertains to military operations, has not been fully utilized in American welfare, and as it serves as a preventative for future conflicts it has been almost entirely neglected.”⁴⁴ The surprise attack on Pearl Harbor helped push Congress to quickly pass the National Security Act and fund the creation of the CIA, but while disputes would later erupt over whether more oversight would hamstring the Agency, Devitt was already pushing the same argument in the opposite direction.

Just over six months after he introduced his concurrent resolution, Devitt lost his second bid for Congress, and although his bill would quickly die as a result, his assertiveness had not tarnished his reputation. On the contrary, at the time his plan had the notable support of the Director of Central Intelligence (DCI), Admiral Roscoe

⁴² *Congressional Record*, April 21, 1948

⁴³ *Congressional Record*, April 21, 1948

⁴⁴ *Congressional Record*, April 21, 1948

H. Hillenkoetter, who according to Devitt was “at somewhat of a loss for the lack of some specific committee of the Congress he could turn to for conditional guidance and counsel and to whom he can resort to for needed changes in the legislative operations of his agency.”⁴⁵

Such a position on the efficacy of a legislative partnership between Congress and the CIA is completely at odds with an argument espoused by the Agency’s next director, Allen W. Dulles, who in 1954 maintained, “The work of intelligence is almost exclusively outside of the United States and does not require complicated or expensive legislation,” a popular refrain in defense of the oversight status quo.⁴⁶ Dulles, who still had a good reputation on Capitol Hill, went on to juxtapose his Agency with the Atomic Energy Commission and its overseers, the Joint Committee on Atomic Energy, which he pointed out handled the passage of about twenty laws per year, versus the CIA, which averaged less than one.

But in 1948, Devitt had already made the connection between atomic energy secrets and intelligence matters, urging the 80th Congress to “take similar action by creating a joint committee on intelligence.” Having established a link between the Atomic Energy Commission (AEC) and the CIA, and the Joint Committee on Atomic Energy (JCAE) and the proposed Joint Committee on Central Intelligence (JCI), it is clear that Devitt’s early vision matched Mansfield’s 1953 model because both saw the importance of atomic energy in the field of peace and war as akin to the subject of intelligence.⁴⁷ Mansfield and his supporters would rely heavily on the logic that since the JCAE performed a competent and necessary check on the AEC, an executive branch agency that dealt with, among other things, foreign policy secrets, the same should be true for the proposed JCI and the CIA, a justification strongly

⁴⁵ *Congressional Record*, April 21, 1948

⁴⁶ CIA FOIA, letter to WF Bookwalter, chief clerk committee on rules and administration, April 30, 1954, from Allen Dulles.

⁴⁷ *Congressional Record*, April 21, 1948

opposed by detractors. Many of Devitt's points became mainstays in the intelligence oversight fight, and his reasoning would soon begin to echo and eventually gain traction.

During the summer of 1948, Hanson Baldwin, a journalist who had won a Pulitzer Prize for his coverage of the war in the Pacific and who concentrated on political problems stemming from the organization of the U.S. military, began publishing a series of *New York Times* exposes shedding light on the issue of intelligence oversight. Broadcasting the debate nationally for the first time, Baldwin smartly started by first tempering his criticism of the Agency when he pointed out "the importance to national security of secret intelligence and secret operations," but he essentially summed up Devitt's argument when he wrote: "Because of our past errors in intelligence, particularly because the grants of power given to the intelligence agencies must be major in secret, a congressional committee to act as a discrete watchdog over all out intelligence activities – particularly the CIA – ought to be established."⁴⁸ Without mentioning any pending legislation, Baldwin concluded that the CIA should have the same relationship to Congress as the AEC and its oversight committee, the JCAE.

In just a few lines Baldwin laid out what would become the strongest argument for oversight reform during the 1950s Senate debate – that CIA oversight by Congress would actually strengthen national defense. As opposed to those who saw CIA supervision as dangerous to national security, supporters believed that the Agency needed to be both shielded from, and exposed to, congressional criticism in order to rise to the security needs of the time. Unlike today, this was not a partisan issue. In fact, Baldwin specifically avoided any taint of partisanship by asking that such a committee be composed equally of members from both parties: "a committee

⁴⁸ *New York Times*, 1948, July 25, Hanson Baldwin

must be nonpartisan, for, above all, intelligence must be kept out of politics."⁴⁹ But intelligence enthusiasts, who saw any meddling with the CIA as more inherently dangerous than a runaway secret agency that excluded Congress from the field of foreign affairs, were quick to dismiss the idea that such a committee could act both in support of – and as a check on – CIA activities, and that such an arrangement could benefit an agency that regularly played with fire in hot spots around the world.⁵⁰

Although Congressional acquiescence of CIA oversight continued with the passage of the Central Intelligence Agency Act of 1949, which exempted the Agency from laws and regulations on spending,⁵¹ a report released that same year by the Commission on Organization of the Executive Branch of Government, a body appointed by Truman in 1947 to study changes in the structure of the federal government, recommended a formal oversight apparatus. Chaired by former President Herbert Hoover, the first Hoover Commission validated the National Security Act of 1947 when it concluded that "the Central Intelligence Agency is sound in principle," but aligned itself with oversight reformers when it pointed out "improvement is needed in practice. It is not now properly organized."⁵² Advancing the idea that a stronger national defense and a more efficient Agency could be achieved through the implementation of a more formal intelligence oversight structure, the commission reported that the CIA was neither proficient nor dependable, a dangerous conclusion since the National Security Council relied on Agency intelligence to assess and appraise "objectives, commitments, continuity, or definiteness needed to constitute a practical guide [for our military needs]."⁵³ It

⁴⁹ Ibid

⁵⁰ Arthur Schlesinger Jr., *The Imperial Presidency* (Mariner Books, 1972), 317

⁵¹ Ibid, 316

⁵² First Hoover Commission

⁵³ Report from the Committee on Rules and Regulation, Senate Concurrent Resolution 2, 1956

recommended the establishment of an "evaluation board" in the top echelons of the Agency, to be composed of competent and experienced personnel whose duties would be confined solely to intelligence evaluation.⁵⁴ This recommendation was unique for the fact that it did not include Congress.

The level of oversight provided by Congress in the early 1950s was not always as passive or static as has sometimes been claimed, but it also was nowhere near comprehensive or extensive. In *Secret and Sanctioned*, Knott pointed out that after the formation of the CIA, "the House and Senate Armed Services and Appropriations committees were given limited oversight of the Agency," but "that authority was loosely constructed so as to give the president and his agency the discretion they needed to conduct secret operations."⁵⁵ In the Senate, Carl Hayden's agreement to combine his Appropriations subcommittee with that of Richard Russell's Armed Services, meant even less scrutiny of the Agency – according to a few sources, "the Senate CIA subcommittee earned the nickname BOGSAT, or 'bunch of guys sitting around the table.'"⁵⁶ While in the House of Representatives, the attitude of dominant Armed Services chair Carl Vinson, exemplified by his frequent references to "my CIA" and "my Pentagon," clashed sharply with his Republican counterpart Dewey Short's disinterest in formal oversight. Senator Styles Bridges' overall enthusiasm for all things CIA contrasted with Representative Clarence Cannon's snide reminders to Agency directors of the failure to predict North Korea's attack on the South. Certainly a mixed bag, but a level of oversight did take place. In his book, Knott explains that according to CIA general counsel Lawrence Houston, the Senate Armed Services Committee under chairman Russell was fiercely protective of the Agency, and so it was the House dealt with CIA appropriations, and they did so as thoroughly as any other appropriations. Congressman Cannon was

⁵⁴ First Hoover Commission

⁵⁵ Knott, *Secret and Sanctioned*, 160

⁵⁶ Johnson, *Congress and the Cold War*, 12

chairman of the Appropriations Committee most of the time, and he made it clear that he wanted details. If he were unsatisfied, he would ask questions or have the committee question Agency liaisons.⁵⁷

⁵⁷ Knott, *Secret and Sanctioned*, 161-163

III. Mansfield

Even though significant intelligence failures had occurred on Truman's watch, it was Eisenhower who would feel the heat in the person of a Democrat from Montana, the newly elected Senator Mike Mansfield. The *New York Times* prompted his interest when it stoked the debate over intelligence oversight in 1952 with an article that questioned whether the CIA was even staying within the bounds of its charter. And in early 1953 the *Richmond News Leader*, a much more traditionalist newspaper, ran a story entitled "The CIA: Who watches the watchdog." Putting the spotlight on the Agency's shield of secrecy and drawing the connection between the oversight of atomic energy and the lack-there-of for intelligence work, the article surmised:

"The nation's intelligence agency directs the most secret operations of the United States government. Not even the Atomic Energy Commission functions with the degree of secrecy of the CIA; the taxpayers know something of atomic research... Of the CIA, whose expenditures are reckoned by well-informed observers at something in the neighborhood of \$1 billion a year, the taxpayer knows nothing."⁵⁸

Increasing public scrutiny from both liberal and conservative media outlets was making the Agency more vulnerable, and by the summer of 1953 freshman Senator Mike Mansfield was heading the charge for oversight reform.

While he was never on a CIA subcommittee, Mansfield's move from the House to the Senate in 1953 would force the pendulum of oversight to swing away from the House Appropriations Committee, towards the Senate, which would open the door for Fulbright's revitalization of the Senate Foreign Relations Committee (SFRC) towards the end of the 1950s. During his first few years in the Senate, Mansfield three times proposed a resolution that would replace the small oversight subcommittees with a joint committee on intelligence. Drawing equal membership from both houses of Congress, he wanted to model this new, more comprehensive

⁵⁸ *Richmond News Leader*, March 30, 1953

committee on the Joint Atomic Energy Committee (JAEC), which, according to Snider, “at the time was the focal point in Congress for matters relating to nuclear weapons.”⁵⁹ Perhaps intuitively, the Montana Senator recognized what Harry Howe Ransom would identify decades later: that the small, closed subcommittee oversight structure was perpetuating a secrecy-accountability conflict that put in flux constitutional standards for American democratic government. To Mansfield, the members of those subcommittees had clearly been shirking their responsibilities without personal consequences, and furthermore, they had allowed the executive branch to accumulate an unacceptable concentration of power.⁶⁰

In 1953, President Eisenhower told his subordinates “to make certain of appropriate and timely consultation with congressional leaders.”⁶¹ According to David Barrett, this sentiment extended to the CIA. In his book on Congress and the CIA, he wrote: “While Eisenhower never expressed enthusiasm for intelligence oversight before CIA subcommittees, he respected the judgment and discretion that most of their leaders displayed.”⁶² As evidence of Eisenhower’s early inclination to support oversight, he cites the President’s response to congressional questions about the nation’s ability to defend against a Soviet attack: Eisenhower allowed a mutually acceptable representative to analyze all CIA and military intelligence and issue a general report on his findings.⁶³ Unfortunately, in terms of the most well known covert operations from the early Eisenhower years, Barrett laments that there is only fragmentary evidence as to whether the intelligence subcommittees had advance knowledge of the infamous CIA orchestrated coups in Iran and Guatemala in 1953 and 1954, respectively. Notwithstanding, he calls any suggestion that they did not

⁵⁹ Snider, *The Agency and the Hill*, 13

⁶⁰ Ibid, 14

⁶¹ Barrett, *The CIA & Congress*, 142

⁶² Ibid, 144

⁶³ Ibid, 144

know something about the operations “thoroughly implausible.”⁶⁴ Significantly, though, despite Eisenhower’s initial inclination to involve the leaders of the legislative branch in covert affairs, he would come to loath what he considered aggressive meddling with his CIA.

Elected to the House of Representatives in 1942, as a Representative from a state with a relatively small number of voters and no great wealth, Mansfield was known as a spokesman for the have-nots of Montana – the unionized miners as opposed to the corporations and cattleman. Once in the Senate, lacking serious financial backers for his populist powerbase, Mansfield needed the intelligence issue to make a name for himself, but he was also interested in oversight reform for its own sake.⁶⁵ He had a Masters degree from the Fletcher School of Law and Diplomacy at Tufts University and had spent ten years teaching history and political science at Montana State University, so it is not surprising that the Senator recognized what Harry Howe Ransom would identify decades later: that the small, closed subcommittee oversight structure in Congress was perpetuating a secrecy-accountability conflict that was degrading constitutional standards for American democratic government. The Armed Services and Appropriations Committees of both congressional chambers had designated informal CIA subcommittees, but according to Ransom, they acted as “a kind of symbolic oversight... which rarely challenged the intelligence system or demanded specific details of policy, budgets, and, especially covert operations.”⁶⁶ Mansfield questioned the wisdom of allowing “almost complete independence” to so powerful an agency – “obviously intelligence operations required secrecy, but secrecy could be carried too far.”⁶⁷

⁶⁴ Ibid, 163

⁶⁵ Rohderi Jefferys-Jones, *The CIA and American Democracy*

⁶⁶ Ransom, “The Intelligence Function And the Constitution,” 56

⁶⁷ Schlesinger, *The Imperial Presidency*, 314

On July 20th, 1953 Mansfield stood in front of the Senate and introduced his first resolution to establish a Joint congressional committee on Central intelligence.

He told his colleagues that such a committee was needed:

“...for the purpose of making continued studies of the activities of the Central Intelligence Agency and problems related to the gathering of intelligence affecting the national security... because of the very nature of the work of the CIA, it should do everything in its power to protect the CIA’s activities and make it possible that as an organization, it will not lose its effectiveness and will be able to continue its extremely important work.”⁶⁸

Like Devitt, Mansfield evoked national security as the primary imperative of oversight reform, but unlike the short-term House Representative who took pains to avoid tainting his resolution with criticism of the Agency by simply asking that its efficiency be ensured, Mansfield went in a vastly different direction when he made it clear that his committee “should be in a position to criticize any mistakes which the CIA may make.”⁶⁹ He referred to a Hanson Baldwin article in which the *New York Times* journalist had suggested that such a group could act as “gadfly” for the Agency,⁷⁰ provoking reform through pointed critiques. And rather than simply perpetuating the ad-hoc subcommittee oversight that relied on individual Members of Congress to uphold their oversight duties, Mansfield wanted the CIA to keep the proposed committee fully and currently informed “as a matter of law.”

To Mansfield, the members of those CIA subcommittees had been shirking their responsibilities by not obtaining much information at all and instead defaulting to CIA Director Allen Dulles, which is why he included a provision that “the joint committee shall, from time to time, make whatever reports are necessary to the Congress concerning its relationship with the CIA.”⁷¹ The CIA, Mansfield believed, was not solely responsible for its intelligence failures – there was a decision-making hierarchy at fault. But perhaps because of his status as a relative newcomer, his first

⁶⁸ *Congressional Record*, July 20th, 1953

⁶⁹ *Congressional Record*, July 20th, 1953

⁷⁰ *New York Times*, July 25, 1948, Hanson Baldwin

⁷¹ Johnson, *Congress and the Cold War*, 35; CR July 20th, 1953

resolution asking for an 18-member joint committee on intelligence never even came to a vote. Although Dulles had a lot of friends in Congress, there were some, Mansfield knew, who wanted to make sure the CIA was being properly managed. Three days later on July 23, 1953 Wisconsin Representative Clement Zablocki introduced a House version of Mansfield's bill asking for a Joint Committee on Intelligence consisting of nine members from both bodies of Congress, "with no more than five members being selected from each party."⁷²

The *New York Times* was not the only national newspaper to support the concurrent resolution to formalize CIA oversight. An article in the August 7th edition of the *Washington Post*, aptly titled "Protecting Intelligence," went the furthest of all when it warned that protecting vital national secrets was made more difficult, not less, by the CIA's "immunity from public scrutiny and criticism under the democratic process." Directly addressing Mansfield's proposal, it went on to say: "The CIA's position with respect to Congress has never been precisely spelled out and a joint committee would focus the congressional responsibility in intelligence matters. A committee of 18-members as suggested by Senator Mansfield seems to us unwieldy; two members from each party in each house, say, would be preferable."⁷³ After offering its editorial opinion, the *Post* backed the idea that such a committee would make the Agency more efficient by keeping it on its toes, and in turn actually improve national security and defense. With support both inside and outside of Congress, Mansfield must have sensed he was on the right track.

Regardless of its lack of support, Mansfield's first resolution caught the attention of the Director of Central Intelligence (DCI) Allen Dulles. In his book, Snider wrote: "Dulles became concerned that unless the existing oversight committees did something more to assert their institutional role over the CIA,

⁷² *Congressional Record*, July 24, 1953

⁷³ August 7, 1953, *Washington Post*

Mansfield's resolution might attract greater support over time."⁷⁴ Clearly recognizing public support was his ticket to push the issue further, a few weeks later Mansfield sent a letter to CIA Director Dulles inquiring about the specifics of the Agency's relationship with Congress. Attempting to get the Director's opinion on an intelligence oversight committee modeled after the JCAE, Mansfield asked if the CIA had adequate ties with Congress.⁷⁵

While some legislators might have privately referred to Dulles as a bozo, he was considered by most others to be a master of congressional manipulation who would appear voluntarily before a group of federal legislators, smoke a bit of his pipe, and tell old-fashioned spy stories.⁷⁶ Therefore it is interesting that he asked his deputy, Air Force Lieutenant General CP Cabell, to respond in his absence. On September 5th, the acting director replied to Mansfield to explain that from their point of view, the present ties in Congress were not only adequate, but also stronger than those that existed between any other nation's intelligence services. Comparisons between the CIA and the intelligence apparatuses of other countries, both allied and foe, were used by both sides of the oversight debate in the coming years, but what is most fascinating about the position expressed in this response is how tempered it seems. The letter goes on to state that factors not within the knowledge of the CIA come into play when considering such reform, and it concluded by stating: "It would appear inappropriate for the CIA to express an opinion of the establishment of such a group." Though not at all a condemnation of Mansfield's resolution, the ambivalence expressed was simply a cover. In his book, L. Britt Snider wrote that even after Mansfield first attempt failed, "Dulles became concerned that unless the existing oversight committees did something more to assert their

⁷⁴ Snider, *The Agency and the Hill*, 16

⁷⁵ CIA FOIA, Letter from Mansfield to Dulles, August 25, 1953

⁷⁶ Encyclopedia of the United States Congress, Congressional Intelligence Oversight

institutional role over the CIA, Mansfield's resolution might attract greater support over time."⁷⁷ This was the germ that would sprout actual reform.

Returning to the issue in early 1954, Mansfield upped the ante, implicitly chastising the Agency: "Secrecy now beclouds everything about the CIA – its cost, its efficiency, its successes, its failures... Once secrecy becomes sacrosanct, it invites abuse."⁷⁸ In March he submitted a modified version of his proposal that brought the number of proposed committee members down from eighteen to ten. In a public statement he added a "withering critique"⁷⁹ of the Agency and its congressional overseers. He warned: "Until we create some sort of 'watchdog' committee, we will have nothing but continued anxiety about the Central Intelligence Agency and its widespread activities."⁸⁰ And he went on to explain how events during the past year had convinced him of an urgent need for a regular and responsible congressional scrutiny of the Central Intelligence Agency. "Such scrutiny," he said, "is essential to the success of our foreign policy, to the preservation of our democratic process, and to the security of the intelligence agency itself." Although there is no evidence he had any access to classified information on covert operations, on the heels of an obviously CIA orchestrated coup in Iran, the Senator realized that the Agency's actions would have a strong impact on U.S. foreign policy. Mansfield, a member of the fledgling Senate Foreign Relations Committee (SFRC), was beginning to wake up to the most insidious aspect of the limited intelligence oversight arrangement – the President was completely cutting out Congress in the field of foreign affairs.

A disagreement amongst senators over whether the CIA was itself becoming a policymaking body would come later in the debate, but after the Agency engineered a spectacular coup in the Middle East, by the spring of 1954 it was

⁷⁷ Snider, *The Agency and the Hill*, 11

⁷⁸ Schlesinger, *The Imperial Presidency*, 316

⁷⁹ Snider, *The Agency and the Hill*, 12

⁸⁰ Barrett, *The CIA & Congress*, 174

becoming clear that the its actions abroad would reflect on the United States, regardless of their clandestine nature. Mansfield claimed:

“The Central Intelligence Agency plays a more direct role in foreign policy than simply providing some of the information on which our policies are based... Other countries cannot be expected to distinguish between CIA policy and United States policy... We cannot permit the CIA, anymore than any other government agency, to have free rein to do anything it wants in the world. If you play carelessly with fire, the whole world might get burned.”⁸¹

On March 10th, less than four months before the CIA orchestrated the overthrow of the Jacobo Arbenz government in Guatemala, Mansfield spoke in front of the Senate in support of his renewed effort. After judiciously endorsing the CIA as a necessary safeguard for Cold War defense, the Senator laid out his concerns. He lamented the lack of mutual confidence between the intelligence sector and Congress, “a prerequisite for effective operation by an executive agency, especially one hidden behind closed doors.”⁸² The root cause of this, he believed, was the CIA’s position of responsibility to none but the President, which had led to growing suspicions on all sides. And the fact that the intelligence services in other countries operated in a similar fashion only served his point: “This is understandable in a totalitarian government, such as the Soviet Union. It is even understandable in a parliamentary democracy, such as Great Britain, where the entire administration is part of and responsible to the parliament. Our form of government, however, is based on a system of checks and balances.”⁸³ The breakdown of that system, he believed, opened the door for the growth of what he characterized as tyranny. The most important aspect of proper intelligence oversight, he told his colleagues, was to reduce the threat to the American democratic processes posed by the Agency’s very secret nature.⁸⁴

⁸¹ News conference, March, 1954

⁸² *Congressional Record*, March 10th, 1954

⁸³ *Congressional Record*, March 10th, 1954

⁸⁴ *Congressional Record*, March 10th, 1954

But Mansfield made it known he did not want to compromise the essential secrecy required for intelligence work. Still, he believed an aura of superiority had been built up around the CIA, making it impossible to determine the level of secrecy needed to meet the Agency's ends. "Once secrecy becomes sacrosanct, it invites abuse. If we accept this idea of secrecy for secrecy sake we will have no way of knowing whether we have a fine intelligence service or a very poor one... It is difficult to legislate intelligently for this agency because we have no information which we can be positive is correct."⁸⁵ Not content to simply trust the assurances of the Agency's hierarchy as to the effectiveness and efficiency of its operations, Mansfield pointed to the Hoover Commission in 1949 and wondered aloud whether the recommendations of that committee had been implemented. Without any way of knowing, Congress was still expected to go on appropriating vast funds.

Wrapping up his remarks, the Senator extolled the return of confidence in the CIA that his committee would bring. The Agency was not to become a congressional whipping boy, but a legislative partner. In both its successes and failures, it would have a congressional channel to present the CIA's side. Less than two weeks later, Representative Charles Brownson reiterated Mansfield's remarks in a speech to the House: "I do not think it would hinder the operation of the CIA to be subjected to the same type of intelligently administered congressional suspicion that exists for the Atomic Energy Commission,"⁸⁶ after which he introduced a House version of Mansfield's concurrent resolution.

This time Agency officials were on edge – they worried that if the perception of relaxed congressional oversight collided with a serious intelligence failure, the CIA would be vulnerable to charges that it had gone "rogue" by those hoping to avoid sharing in the blame. Though Mansfield's second resolution also failed, this attempt

⁸⁵ *Congressional Record*, March 10th, 1954

⁸⁶ *Congressional Record*, March 10th, 1954

at a joint committee resolution led to the solidification of the CIA subcommittee structure that had remained ad hoc up to that point. Mansfield's concerns probably won over DCI Dulles. Feeling the heat, the CIA Director started to change his tactics, which is clear from his April 30th response to a letter from the chief clerk of the Senate Committee on Rules and Administration, who after receiving Mansfield's bill, requested the Director's comments. The DCI wrote that the Armed Services Committees handled all of the Agency's legislation, including the National Security Act of 1947 that had created it, and in a draft version of his letter, Dulles referred to them as the "parent committee of the CIA."⁸⁷

Going on to criticize the oversight resolution as unnecessary, he juxtaposed the JCAE with the proposed committee on intelligence by explaining that the Agency only averaged one piece of legislation a year, as opposed to the atomic energy committee which handled at least twenty. Furthermore, he said claimed, the CIA was generally accepted to be an arm of the executive branch, and as such, "is related to those responsibilities which are continually in the exclusive jurisdiction of the executive."⁸⁸ But interestingly, in the draft version of his letter he showed some misgivings about this statement when he wrote: "Of course, it is recognized that the Congress has the power to inquire into the activities of any arm of the government."⁸⁹ He also backtracked when ended the letter by strongly encouraging the rejection of the oversight bill, but in his unsent draft finished much weaker: "Since this resolution concerns the internal organization of the Congress, I believe it would be inappropriate for this Agency to urge either that it be passed or tabled."⁹⁰ Apparently in his final version he did not want to give the whole game away so easily – and smartly so, because this time Mansfield's resolution was gaining momentum.

⁸⁷ CIA FOIA, Letter to WF Bookwalter, April 30th, 1954, draft and final version

⁸⁸ CIA FOIA, Letter to WF Bookwalter, April 30th, 1954, draft and final version

⁸⁹ CIA FOIA, Letter to WF Bookwalter, April 30th, 1954, draft and final version

⁹⁰ CIA FOIA, Letter to WF Bookwalter, April 30th, 1954, draft and final version

In July 1954 an article from the conservative *Richmond News Leader* urged the Virginia delegation on the Hill to adopt Mansfield's proposal, citing it as having been "needed for a long time." The editorial, entitled "To Watch the CIA," backed the longstanding efficiency argument: "At present the CIA is wholly beyond the reach of the Congress that created it. Neither Congress or the public has any way of knowing whether the CIA is doing a good job or a terrible job, whether it is wasting millions or spending its funds with scrupulous care."⁹¹ At that point, questions of whether or not the CIA was, in fact, as effective and efficient as it claimed had been haunting officials for years. Back in early 1953 Congress had empaneled a second Hoover Commission, nicknamed the Clark Task Force after its lead investigator General Mark W. Clark, to examine the intricacies of the Agency and recommend steps for improvement. While Congress would not see the final report until June of 1955, DCI Dulles addressed the Task Force's findings in a memorandum to General Clark on December 8th, 1954.

Heading off the Commission's support for a joint committee along the lines of Mansfield's proposal, Dulles wrote: "The proposal that the armed services committee set up a special subcommittee on Central Intelligence has merit, as all functional legislation for the Agency comes before these committees."⁹² Taking a page directly from Mansfield's argument, he told General Clark that such a committee could handle congressional complaints over the CIA's action, and "rise to the defense of the Agency when it is publically attacked by stating that they are already, or will immediately be, looking into the subject of the attack."⁹³ He ends the memo by suggesting that the Armed Services Committees, whose members he was already close with, take it upon themselves to exercise joint oversight jurisdiction over the Agency, keeping in mind the forthright acceptance of such a responsibility would, "go

⁹¹ *Richmond News Leader*, July 24th, 1954

⁹² CIA FOIA, Letter to General Clark, December 8th, 1954

⁹³ Ibid

a long way towards answering the implied criticism of those who feel that Congress is not sufficiently informed regarding the Agency."⁹⁴ By that time CIA officials and congressional committee leaders were scrambling to bolster the perception of oversight.⁹⁵

Even though Mansfield's second resolution never came to a vote, the growing congressional concern over proper CIA oversight made DCI Dulles nervous. But according to L. Britt Snider, Eisenhower did not allow his top spy to lose his nerve:

"For a while in late 1954, DCI Dulles actually entertained endorsing the concept of a joint committee, but the hostility of President Eisenhower to the idea (he intensely disliked the JCAE) reportedly put an end to any further thoughts of this nature. In a public speech in January 1955, Dulles said the Agency preferred the existing oversight arrangements to a joint committee."⁹⁶

Correctly believing that it gave him more autonomy over covert action, Eisenhower preferred the existing CIA subcommittees to what would be a generously staffed joint committee on intelligence.⁹⁷ But Mansfield was not finished, and Dulles' wavering foretold a more heated debate.

Mansfield introduced his third and final-resolution to create a joint committee on intelligence on January 15th, 1955. This time he proposed that a twelve-member committee be drawn from the existing CIA subcommittees – by not tampering too much with the status quo, the Montana Democrat probably hoped he could win over those straddling the fence. And this time rather than criticize the Agency directly, he denounced what he saw as the CIA's immunity from "regular, methodical review"⁹⁸ by Congress. In describing his intent to the *New York Times* a few days later he described, Mansfield said he had "no desire to pry into necessary secrets of the CIA, but only wanted to reform the current 'hodgepodge system' of infrequent and

⁹⁴ Ibid

⁹⁵ Snider, *The Agency and the Hill*, 13

⁹⁶ Snider, *The Agency and the Hill*, 13

⁹⁷ Barrett, *The CIA & Congress*, 209

⁹⁸ *Congressional Record*, January 15th, 1955

cursory oversight.”⁹⁹ In the House of Representatives, Clement Zablocki submitted his own version of Mansfield’s bill, as he had in 1953, and was supported by New York Representative Edna Kelly, who cited Eisenhower’s creation of a second Hoover Commission as reason enough for Congress to get more involved in the intelligence field. This time, Mansfield’s support was growing, and on February 4th he asked the President of the Senate to add two more names to the list of thirty-three senators already cosponsoring his resolution.¹⁰⁰

Perhaps gaining insight from his past failures, Mansfield did not return to blaming congressional complacency for weak oversight, choosing to focus his ire outside the legislative chamber and towards the White House. He demonstrated his grasp of what would later become another aspect of Ransom’s argument – in the fog of the Cold War, Mansfield’s head was clear enough to recognize the potential danger to the constitutional safeguard of checks and balances in particular, and to the country’s system of democracy in general. His intention for this third resolution, recorded in the *Congressional Record*, was to confront “the trend toward reposing more and more power in the hands of the executive branch.”¹⁰¹ With more than a third of the Senate signed on as cosponsors, the Mansfield resolution had gained real steam by January 1956, and the heads of the CIA subcommittees were rushing to come up with a cogent argument against reform. Senator Richard Russell of Georgia was the chairman of the powerful Senate Armed Services Committee, and under pressure, on January 16th, 1956 he wrote the Senate Rules Committee chair to explain: “If there is one agency of the government in which we must take some matters on faith, without a constant examination of its methods and sources, I believe this agency is the CIA.”¹⁰² Prompted by the increasing support for oversight

⁹⁹ *New York Times*, January 18, 1955

¹⁰⁰ *Congressional Record*, February 4th, 1955

¹⁰¹ *Congressional Record*, February 4th, 1955

¹⁰² Remarks of L. Britt Snider, *Houston Journal of International Law*

reform, Russell finally formally designated an official CIA subcommittee of Senate Armed Services. And for his part, President Eisenhower announced the creation of an eight-member civilian White House Board that would specifically oversee the CIA and other intelligence agencies. Mansfield had prompted at least administrative change.

But not the level of change he, and his growing base of support, had been striving for. Dozens of newspaper articles strongly supporting Mansfield's endeavors appeared in January and February 1956. Addressing the recent oversight additions, Hanson Baldwin wrote: "The President's appointment last week of an eight-man board to review periodically the nation's intelligence activities is a step in the right direction. But unfortunately, it does not go far enough."¹⁰³ And citing the recently released Hoover Commission report, which urged the inclusion of "members of both Houses of Congress and other public spirited citizens empowered by law to demand and receive from the CIA any information it needs for its own use,"¹⁰⁴ he expressed disappointment that Eisenhower had only half followed the recommendation of the Commission. A January 18th article from the *Wall Street Journal* went even further when it suggested Eisenhower's committee would have no influence over the CIA and questioned how much they would even be permitted to learn under the Agency's broad charter. It went on to say that surely Congress, with its power to declare war, "has a responsibility to watch carefully over an Agency created to stand watch in that shadowland between peace and war."¹⁰⁵

Three days later the *Washington Post* speculated that the true intent of recent tweaks to the CIA oversight status quo was "to fend off passage of Mansfield's bill."¹⁰⁶ After acknowledging such steps as "noteworthy" for addressing the important "principle of a continuing outside check on intelligence," the paper endorsed further

¹⁰³ January 15th, 1956, Hanson Baldwin, "Watchdog of the CIA," *New York Times*

¹⁰⁴ January 15th, 1956, Hanson Baldwin, "Watchdog of the CIA," *New York Times*

¹⁰⁵ January 18th, 1956, *Wall Street Journal*

¹⁰⁶ January 21st, 1956, *Washington Post*

changes: "Perhaps the new arrangements will serve somewhat the same purpose as a joint congressional committee, though in this newspaper's opinion a more specific legislative link would pay dividends if a satisfactory formula could be found."¹⁰⁷ Not ones to be left out of a debate, towards the end of the month the *New York Times* and *Wall Street Journal* threw their support behind the creation of the new intelligence committee:

"If such a supervisory body were established we are confident that many of the CIA's troubles with Congress, based on suspicion and misunderstanding, would evaporate,"¹⁰⁸ and, "Mr. Dulles doesn't like the idea; he says that if it the bill becomes law there might be leaks of Agency secrets which might endanger the plans and programs of the CIA. We can recall no important leaks from the joint congressional atomic energy committee."¹⁰⁹

Illuminating the support in Congress for reform, the day before Mansfield's bill was approved by the Senate Committee on Rules, on February 21st Richard Fryklund wrote in the *Post* that he had spoken with several congressman who "wanted to know if the country is getting its money's worth out of the supersecret organization." The next day a *Times* article addressed the resolution's bipartisan nature: "Senate Republicans brushed aside President Eisenhower's objections to a special congressional committee to check on the Central Intelligence Agency." The *Times* article continued: "[The Senators] indicated that they would give active, and possibly unanimous, support to the basic principle of [Mansfield's bill]."¹¹⁰ Upset at the implied lack of trust in Congress that the President's civilian oversight board indicated, Senator Styles Bridges summed up the disturbance on the Republican side of the aisle when he quoted the President as saying that his opposition to Mansfield's bill stemmed from his belief that intelligence was "too sensitive for Congress to take up."¹¹¹

¹⁰⁷ January 21st, 1956, *Washington Post*

¹⁰⁸ January 26th, 1956, *New York Times*

¹⁰⁹ January 27th 1956, *Wall Street Journal*

¹¹⁰ *New York Times*

¹¹¹ *Congressional Record*

Although some scholars have tried to paint Eisenhower as more of a pragmatist, he was an old warrior through and through, therefore it is not surprising that with his personal opinion at odds with the recent recommendation of the second Hoover Commission, the President only half followed their advice by setting up a civilian CIA oversight board without a congressional counterpart. On March 13, less than a month before the floor debate in the Senate, Clarence Francis, the chairman of the citizen side of the Hoover Commission, sent Mansfield a letter expressing his disappointment with Eisenhower's half measure: "The Commission of the Organization of the Executive Branch of the Government... was anxious for Congress to have adequate information concerning the operation of our foreign intelligence activities, while still preserving the secrecy required for national security."¹¹² Private, public, and congressional support for the reform Mansfield had been pushing for years peaked in the winter of 1956.

The conclusion of the report on Senate Concurrent Resolution 2 from the Senate Committee on Rules and Administration stated that: "The representatives of the people should be given, through a joint committee on intelligence, the right to act vis-à-vis the CIA. To that end, the Committee on Rules and Administration recommends that Senate Concurrent Resolution 2, as amended, be approved."¹¹³ But not all of the committee members agreed, with Senator Carl Hayden expressing his disapproval in a strongly worded addendum. A classified history of the CIA "watchdog committee question" outlines Senator Hayden's belief that the resolution was based on "mistaken and erroneous assumptions that Congress maintained little or no control over the Agency's expenditures and that members had been kept in the dark."¹¹⁴ And in those remarks appended to the report, Hayden personally attested

¹¹² March 13th, 1956, Letter from Clarence Francis to Mike Mansfield

¹¹³ Report from Committee on Rules and Administration

¹¹⁴ CIA History, Classified Secret, *The Watchdog Committee Question*, John S. Warner

to fact that the subcommittees had maintained continuing supervision of the Agency “to an entirely adequate degree.”¹¹⁵ According to an undated CIA report from its legislative council, Hayden was one of the leading opponents of the Mansfield resolution during the debate, along with Leverett Saltonstall, Bourke Hickenlooper, Stuart Symington, and former Vice President Alben Barkley; and with Richard Russell at the helm.¹¹⁶

¹¹⁵ Report from Committee on Rules and Administration

¹¹⁶ Undated CIA FOIA report from legislative counsel

IV. The Debate

The first day of the Senate floor debate was April 9th, 1956, and it pitted Mansfield, Wayne Morse, and William Langer, against Leverett Saltonstall. Perhaps gaining insight from his past failures, Mansfield not did start by blaming congressional complacency for weak oversight, choosing to focus his ire towards the White House. His intention for this third resolution, explicitly stated at the start of that day, was to confront “the trend toward reposing more and more power in the hands of the executive branch”¹¹⁷ In response to Mansfield’s eloquent introduction, Senator Wayne Morse asked him specifically what he thought of Eisenhower’s new civilian oversight board, which he called “a step in the right direction,” but said did “not go far enough to reach the goal which I and the cosponsors [of the resolution] seek.”¹¹⁸ The dilemma of CIA accountability, Mansfield believed, would be continued by a board beholden solely to the executive, since there were no provisions for a relationship between that board and Congress. “What that means, in effect, is a further allegation of power on the part of the executive and a diminution in the equality between the executive and legislative branches.”¹¹⁹ Foreign policy, he meant, was not strictly the domain of the Presidency.

Senator Morse believed that the CIA was too heavily involved in the making of U.S. foreign policy and that Congress had every right to assert authority over an agency that he believed “was bound to create the impression upon the leaders of the foreign countries in which it operates that its activities represent the official foreign policy of the United States.”¹²⁰ Directly addressing Mansfield in front of the Senate, he cited (but gave no specifics on) a series of communications he had received from foreign dignitaries regarding the alleged activities of the CIA, which had caused him

¹¹⁷ *102 Congressional Record*, 84th Congress, 2nd Session, p. 5924 (9 April 1956).

¹¹⁸ *Ibid*, 5925

¹¹⁹ *102 Congressional Record*, 84th Congress, 2nd Session, p. 5924 (9 April 1956).

¹²⁰ *Ibid*

great concern, and made him all the more enthusiastic and supportive of the pending resolution.¹²¹ Morse expressed his opinion that a joint committee on intelligence was required in order to keep Congress “informed as to exactly what [the CIA] was doing in other countries by way of action that is bound to have some effect on American foreign policy and the understanding of such in those nations.”¹²² And moving towards the anti-secrecy argument, the Senator from Oregon explained: “I particularly abhor the operation of government by secrecy in such a way that it threatens the liberties of the American people.” Connecting the congressional responsibility for foreign policy to a dangerous lack of transparency on behalf of the Agency, he predicted that a mistaken policy by the CIA in the atomic age could result in the loss of the lives of millions of Americans. As the body elected to represent those people, he believed Congress must be afforded an advanced opportunity to check such policies.¹²³

Sparring with Morse, Leverett Saltonstall, who during the first day of debate was the primary defender of the oversight status quo, asked his audience why the current subcommittee structure could not function as a competent CIA watchdog: “As a member of the Armed Services and Appropriations committees, I consider I have been informed of the activities of the CIA to the extent that I believe it was wise for me to be informed.”¹²⁴ In response, Morse asked if the Senator had ever given such information to the Senate Foreign Relations Committee, which he believed, under the advice and consent clause of the Constitution, would go a long way towards “keeping ourselves informed regarding what is occurring in connection with foreign policy.”¹²⁵ And before Saltonstall could respond, Mansfield asked the Massachusetts Senator how many times the CIA had appeared before such

¹²¹ Ibid

¹²² *102 Congressional Record*, 84th Congress, 2nd Session, p. 5925 (9 April 1956).

¹²³ Ibid

¹²⁴ Ibid

¹²⁵ Ibid

committees and what questions committee members might have asked. Responding lamely to Morse, Saltonstall said he provided no information to the SFRC because he was never asked, and to Mansfield he responded that the CIA met with the Armed Services Committee at least twice a year, and at least once a year the Agency director went before appropriations to certify its budget. But he added that the committees never pushed for information due to reluctance to seek information they simply did not need, because "to have [such information] might involve the lives of American citizens."¹²⁶ Mansfield lightheartedly commended the Massachusetts Senator for his heroics, but said such an answer told the whole story – the procedures for checking the CIA were at best voluntary; the passage of his resolution was paramount for establishing Congressional responsibility for the CIA. "What we must do is to write in black and white provisions which will give mandatory jurisdictional power to the Congress in relationship to the CIA."¹²⁷

Speaking up on behalf of Mansfield and Morse, William Langer, testified to the fact that during his eight years on the Armed Services Committee, the CIA was always taken simply at its word: "What did the [Agency] brass do? They came before the committee and said, 'this is our recommendation. However, because of the top secrecy involved, we do not want to get into all the information and facts on which the recommendation is based."¹²⁸ It was his judgment that, as democratically elected representatives of the people, Congress was "entitled to whatever facts anyone who has brass on his shoulders may have in his head."¹²⁹

Responding to his detractors, Saltonstall advanced the argument that the CIA was not a policymaking body of the executive branch, and was just one of the agencies whose recommendations were used in determining what the foreign policy

¹²⁶ *102 Congressional Record*, 84th Congress, 2nd Session, p. 5926 (9 April 1956).

¹²⁷ *Ibid*

¹²⁸ *Ibid*

¹²⁹ *Ibid*

of the government should be. Not inclined to take this on faith, Morse responded by attacking the logic of such a statement:

“It does not follow that it does not make policy... It proceeds to gather information and to make investigations and studies. On the basis of such studies and investigations and what it did disclose to the executive arm of the government, and what it does not disclose, someone in the government must make a determination. The tendency is usually to follow the recommendations of the agency that was asked to do the job of investigating... I want to know to what extent the recommendations of the policies made by the CIA under Allen Dulles become the policies of John Foster Dulles, his brother, the Secretary of State. I believe we need checks on families as well as checks on men who do not belong to the same families.”¹³⁰

Clearly Morse could not be counted amongst Dulles’ many fans, which heightened his suspicion that the CIA determined a great deal of policy. He believed that it was the duty of Congress to determine if such a suspicion was warranted.¹³¹ And compounding his distrust was the recent actions taken to shield the CIA from congressional scrutiny.

Mansfield and Morse felt strongly that an increase in executive control over foreign policy was tarnishing the well-polished system of checks and balances. According to Mansfield, “the determined effort to defeat this concurrent resolution is another instance of executive interference.”¹³² And for Morse, the most convincing argument of all for the adoption of the oversight bill was Eisenhower’s own objection to it. When Eisenhower said that the matter of the CIA was “too sensitive for Congress to take up,” he put on full display his lack of understanding and appreciation of the legislative process of the government, as well as his disregard for the checks and balances system of the Constitution. “I say to the President of the United States from the floor today that no topic of a government belonging to all the people of the country is too sensitive for the elected representatives of a free people

¹³⁰ *102 Congressional Record*, 84th Congress, 2nd Session, p. 5927 (9 April 1956).

¹³¹ *Ibid*

¹³² *Ibid*

to handle."¹³³

Saltonstall, towards the end of the first debate, fell back on the argument that CIA transparency would endanger the national defense, the very security it was set up to maintain. Morse, clearly prepared for this, closed out the day by warning that a spy agency protecting a free society was tantamount to an American police state. "We are dealing with America's spy system when we are dealing with the CIA... we had better take care that we do not deal with police-state procedures. We do not have to fight communism with a police state system. We did not have to fight the Nazis with a police state system. We had better keep on free ground."¹³⁴ The combination of Mansfield and Morse had proved a formidable duo during the April 9th debate, but a few days' later Senate heavyweights would form an overwhelming opposition.

On April 11th, 1956 Senator Richard Russell of Georgia, the Senate Armed Services Committee chairman, who had formalized his CIA subcommittee in the wake of Mansfield's efforts, was the leading challenger during the second half of the oversight debate. The southern Senator lashed out at the supposition that the CIA was making foreign policy on its own. Far from a policymaking body, he said, the Agency's charge was to coordinate the activities of the various intelligence agencies, gather intelligence on its own initiative, appraise it, and then present it to the President, who set the policies.¹³⁵ He continued by taking up Saltonstall's "defense" argument from the previous day, and said that establishing an intelligence oversight committee along the lines of the JCAE would compromise the efficiency of "all the agencies of the government that are working in secrecy in an effort to secure information which would warn us, for instance, of the sneak attack that might

¹³³ Ibid

¹³⁴ *102 Congressional Record*, 84th Congress, 2nd Session, p. 5928 (9 April 1956).

¹³⁵ *102 Congressional Record*, 84th Congress, 2nd Session, p. 5938 (11 April 1956).

destroy us."¹³⁶ Russell completely ignored Morse's warning that a spy system, unless carefully and rightly handled, could itself be a major cause of war.¹³⁷

Bourke Hickenlooper, a former member of the JCAE, spring-boarded off the mention of his former committee, and added that there was no real parallel between the problems that would confront each committee, since the work of the CIA was vastly different from that of the AEC. "Although secrecy is involved in both," he said, "the methods of operation and of accomplishment of the two groups are entirely different."¹³⁸ Hickenlooper believed the inherent operations of the CIA required that it be given broad powers and authority, and be subject only to executive branch supervision.¹³⁹ Russell elaborated when he explained that the JCAE had the duty to monitor a very large and important program with thousands of employees, but he was clearly mistaken when he suggested that the CIA was any different. Pivoting to a more accurate argument, Russell pointed out that while the principle operations of the AEC were within the U.S., the CIA's were outside. It would be more appropriate, he droned, for there to be a joint committee on foreign policy. Russell concluded his opening remarks by stating that in his judgment, the national interest did not require a CIA oversight committee, and that to create one, "would result only in increasing the hazards to the lives of those who work for the CIA, and dry up sources of information which are vital to national security."¹⁴⁰

Asked by the President of the Senate if he wished to respond, Mansfield said he would wait, candidly remarking: "I am beginning to feel like David facing Goliath, although I fear the results will not be the same... I do not wish to be squeezed in at this early period."¹⁴¹ But Mansfield was not alone that day, and after a scathing

¹³⁶ *102 Congressional Record*, 84th Congress, 2nd Session, p. 5938 (11 April 1956).

¹³⁷ *102 Congressional Record*, 84th Congress, 2nd Session, p. 5928 (9 April 1956).

¹³⁸ *102 Congressional Record*, 84th Congress, 2nd Session, p. 5934 (11 April 1956).

¹³⁹ *102 Congressional Record*, 84th Congress, 2nd Session, p. 5939 (11 April 1956).

¹⁴⁰ *Ibid*

¹⁴¹ *Ibid*

indictment of his proposed resolution by Senator Alben Barkley, who said as Vice President even he had not had the sort of access Mansfield was asking for Congress to have, Senator Albert Gore spoke up in favor of a better system of oversight for the CIA. As a member of the JCAE, he said that on numerous occasions he had received information which he regarded as "just as confidential, just as delicate, and just as sensitive, as is the information" the CIA would be forced to disclose.¹⁴² Referring to Barkley as the "junior Senator from Kentucky" rather than "former Vice President," to which he was referred to by Russell and others, Gore said it was difficult to draw such a line of distinction on the sensitivity of classified information. How was it that the JCAE could deal with the topmost secrets of the government, and establish a responsible record in doing so, but an intelligence committee would jeopardize similarly top-secret information.¹⁴³ Jumping to Russell's defense, Senator Stuart Symington expressed his opinion that it would be a mistake to establish the proposed joint committee because the subcommittee Russell headed was more than sufficient; it was "a capable committee."¹⁴⁴

Here Mansfield found his opening. His resolution, he exclaimed, would simply bring together the existing subcommittee structure. "It would not break the continuity that we have now with the CIA. The same persons would be involved, but there would be a standing committee, with a small staff, with the highest possible clearance."¹⁴⁵ He continued by asserting that Congress had both the right and the duty under the system of checks and balances to exercise some degree of control, "not through subcommittees which meet occasionally, but through a regular standing committee." The second Hoover Commission recognized this, he said referring to the letter he had received from the chairman of the Hoover Commission's civilian

¹⁴² Ibid

¹⁴³ Ibid

¹⁴⁴ *102 Congressional Record*, 84th Congress, 2nd Session, p. 5940 (11 April 1956).

¹⁴⁵ Ibid

committee, but rather than follow their recommendation, the President appointed his own private committee and took a stand against congressional involvement.

Mansfield might have convinced Henry Dworshak, the very senior Senator from Idaho, who rose to say that although he had previously been undecided, "there has been much truth to what has been said." Dworshak said that when he had been on the Appropriations Committee and had questioned the DCI about the Agency's budget, his queries were all met with the same response: "this information is classified." An opponent of the ballooning government bureaucracy, Dworshak believed it was the direct responsibility of Congress to determine whether the CIA was operating efficiently or not. If the primary responsibility of the Agency was outside of the country, he asked Russell, why did the CIA need a \$50 million "palace on the Potomac" to house more than six thousand employees in the nation's capital? After hitting hard at the efficiency argument, in closing Dworshak turned to the issues secrecy and national defense:

"I take the position that members of Congress can be trusted to consider any vital classified information to the same extent as the civilian employees of the CIA can be trusted... It is the responsibility of the Congress to make certain that the CIA knows what is going on behind the Iron curtain and that it is aware of the conditions that exist everywhere in the world, if it is to function in accordance with its obligations and responsibilities as a vital arm of our defense."¹⁴⁶

But Russell got the last word. He told the Senate it would be better to abolish the CIA outright and give the monies allocated to it directly to the American people than to adopt the idea that Congress should know the details of intelligence operations.¹⁴⁷

Still, the support Mansfield received cut it too close for the President; numerous sources claim Eisenhower's response the debate was: "This kind of bill will

¹⁴⁶ Ibid

¹⁴⁷ Ibid

be passed over my dead body."¹⁴⁸ As it turned out, he did not need to take it that far. Dulles convinced twelve cosponsors to abandon their support, and while Mansfield's debate had swayed a few more over to his side, the well-liked President simply called upon his allies in the Senate leadership to hold firm and the resolution did not pass.¹⁴⁹

Despite the fact that its own chairman admitted the Senate Armed Services oversight subcommittee rarely met, and kept no records when it did, Russell's argument take Congress needed to "take some matters on faith, without a constant examination of its methods and sources"¹⁵⁰ carried weight with his peers. And Saltonstall, the subcommittee's ranking Republican, helped seal the deal by simply echoing the Georgia Senator's line of reasoning.¹⁵¹ In his autobiography, *The Craft of Intelligence*, Dulles wrote: "In April, after a most interesting debate, the Senate voted against the watchdog committee resolution by a surprisingly wide margin."¹⁵² But while the Mansfield resolution did lose by a 59 to 27 vote, Dulles' surprise was surely feigned. Cosponsoring Senators James Beall (R-MD), Homer Capehart (R-IN), Norris Cotton (R-NH), Morton Daniel (D-TX), James Duff (R-PA), Ralph Flanders (R-VT), George Malone (R-NV), and Milton Young (R-ND) all voted nay under pressure from the CIA director and the president; and Dennis Chavez (D-NM), George Smathers (D-FL), John Sparkman (D-AL), and Warren Magnuson (D-WA) reversed their previous support by casting no vote at all. Still, in this instance an interesting counterfactual can be presented: had those twelve voted with Mansfield, his bill would have garnered 39 votes, since he had picked up the support of Earle Clements (D-KY), William Jenner (R-IN), Robert Kerr (D-OK), John Kennedy (D-MA), and

¹⁴⁸ Christopher M. Andrew. *For the President's Eyes Only: Secret Intelligence and the American Presidency from Washington to Bush* (New York: Harper Collins Publishers), 327

¹⁴⁹ Encyclopedia of the United States Congress, Congressional Intelligence Oversight
¹⁵⁰ *102 Congressional Record*, 84th Congress, 2nd Session, p. 5940 (11 April 1956).

¹⁵¹ Johnson, *Congress and the Cold War*, 130-131

¹⁵² Allen W. Dulles, *The Craft of Intelligence*

Albert Gore (D-TN), who had not been part of the bill's original cosponsors. Dulles' wide margin would have been much slimmer had it not been for his own intervention.

More importantly, Mansfield's efforts were not all for naught. The support he received for his resolutions had produced the solidification of the CIA's previously ad-hoc subcommittee oversight system, pushed the President to create a civilian board charged with overseeing intelligence activities, and even convinced DCI Dulles' that limiting CIA oversight to just a few members of Congress might do more harm than good in the long run.¹⁵³ Appearances of the DCI on the hill to provide Congress with information on the Agency's role in predicting well-publicized events around the world increased manifestly. In 1956, Dulles would testify as to the "bomber gap" with the Soviet Union in front of the Senate Armed Services, and was again called before the committee the following year when the Soviet's unexpectedly put a satellite into orbit for the first time. According to L. Britt Snider, in 1958 Dulles appeared twenty-seven times before sixteen different committees, and thirty one more times in 1959.¹⁵⁴ The importance of this should not be lost, because perhaps it had been the focus on CIA oversight that began a shift towards a greater observance of oversight procedures.

¹⁵³ Barrett, *The CIA & Congress*, 532

¹⁵⁴ Snider, *The Agency and the Hill*, 11

V. Eisenhower & Kennedy

In May 1960, after Gary Powers U-2 plane was shot down over Soviet territory and Eisenhower was forced to take responsibility, the President told Senator Fulbright that he welcomed an investigation into the incident by the Senate Foreign Relations Committee and that he would study any recommendations the Chairman's Committee might make.¹⁵⁵ Quick to take the President at his word, the very next day Fulbright sent the administration a list of documents the SFRC would need to conduct their review of Eisenhower's decision not to suspend aerial spying while the prospect of an important peace summit sat on the table.

The document requests themselves tell a story by showing that Fulbright's Committee was focusing its investigation on the President's decision-making process. In a clear attempt to insert Congressional influence into that process and assert SFRC prerogatives in the realm of intelligence and covert action, the Senator sent a personal letter to the White House asking for the "collection of all statements, oral or written, made by the Executive Branch officials, relating to the summit conference and the U-2 incident; collection of all position papers and supporting documents prepared for use by the Secretary of State during the summit conference; and the collection of intelligence estimates made prior to May 5, 1960 by each member of the United States 'intelligence community' as to the probable results of the summit conference."¹⁵⁶

In a stab to pierce the veil of secrecy and accountability of the intelligence establishment, Fulbright held hearings on the incident and called Dulles to testify. Though his responses are still classified, Fulbright provided Dulles with a list of questions so that he could come prepared. Pointedly, he asked the Agency Director:

¹⁵⁵ FRUS, May-July 1960: The U-2 Airplane Incident Memorandum of Conversation, Document 154

¹⁵⁶ Letter from Fulbright to the White House, May 27, 1960. RG 46, Records of the Senate Foreign Relations Committee, Fulbright's Correspondence, U-2 incident folder, Legislative Archive, National Archives

“Was there a meeting, or were there meetings, during April or earlier to decide whether to discontinue the U-2 flights for the Summit period? If so, who participated and what decision was reached?” Digging deeper, Fulbright queried: “Specifically, who on the policy level was aware of the May 1st flight?”¹⁵⁷ Following up on his testimony, Dulles sent a letter containing security-classified information to Fulbright a few weeks later. While that correspondence remains classified, a letter from Secretary of State Chester A. Herter to Fulbright dated July 1, 1960 indicates that the SFRC hearings were focused on the decision not to suspend the U-2 flights while the summit conference was pending. Secretary Herter explains that he supported the decision, but did not participate in the deliberation.¹⁵⁸ This admission drew a quick response from Fulbright, who responded the next day: “Your letter supports the inference that the decision was taken by the President. But, we are still left in the dark as to when it was taken and as to who, if anyone besides the President, participated in it.”¹⁵⁹ Ending on a sour, but obviously important note, he flipped the Secretary’s own words back on him when he wrote: “I am somewhat disturbed by the thought that such a decision would be taken without the participation of the Secretary of State.”¹⁶⁰

By openly supporting the SFRC investigation, Eisenhower had tacitly accepting some degree of congressional oversight over intelligence work. And even though the President’s reputation survived the U-2 affair and collapse of the summit

¹⁵⁷ Questions from Fulbright to Dulles. RG 46, Records of the Senate Foreign Relations Committee, Fulbright’s Correspondence, U-2 incident folder, Legislative Archive, National Archives

¹⁵⁸ Letter from Chester Herter to Fulbright, July 1, 1960. RG 46, Records of the Senate Foreign Relations Committee, Fulbright’s Correspondence, U-2 incident folder, Legislative Archive, National Archives

¹⁵⁹ Letter from Fulbright to Chester Herter, July 2, 1960. RG 46, Records of the Senate Foreign Relations Committee, Fulbright’s Correspondence, U-2 incident folder, Legislative Archive, National Archives

¹⁶⁰ Ibid

conference, perhaps Kennedy did not feel so lucky, prompting a greater observance of oversight procedures in the run up to the failed invasion at the Bay of Pigs.

The SFRC opposed shipping arms to Cuba before the fall of Batista's government at the end of 1958, and in early 1959 an invitation was extended to a young Fidel Castro to come meet with a few legislators. But most of Congress was deeply hostile towards Castro and his Revolution. Even as the memory of the second red scare and Joseph McCarthy began to fade, Communist infiltration of the Western Hemisphere was widely viewed as both unacceptable and dangerous. In a set of undated notes taken during a meeting regarding Cuba with congressional leaders, DCI Dulles wrote: "Congress was restive and the demand for some sort of action was mounting."¹⁶¹ And when Castro signaled his intent to accept Soviet support, what minor support the new Cuban leader had in Congress dried up. Eisenhower also feared a Soviet beachhead in the West and was convinced that action had to be taken, but he was determined to keep plans to train an opposition force of exiled Cubans away from the prying eyes of the SFRC.

Preparations for what later became the invasion at the Bay of Pigs were expected to take six to eight months and Eisenhower demanded secrecy. The President fueled the secrecy-accountability conflict that Ransom articulated in his article by purposefully keeping Congress out of the loop. According to the CIA's recently declassified "Official History of the Bay of Pigs," a discussion between DCI Dulles and Eisenhower's National Security Advisor Gordon Gray, "seems to have verged on the right of Congress to oversee covert operations – a point about which Eisenhower expressed himself very strongly, noting such action by Congress would

¹⁶¹ Central Intelligence Agency. Freedom of Information Act Electronic Reading Room. "Undated Notes." FOIA search "Dulles Senate." <http://www.foia.cia.gov/>

be an infringement of his prerogative as Commander-in-chief."¹⁶² Nevertheless, government secrets are not the exclusive property of the executive branch, and according to Ivan Eland, the Director of the Center on Peace and Liberty at the Independent Institute, congressional committees are not only entitled to examine classified information, they have a duty to do so in order to ensure that the intelligence community is acting in the best interest of those it is supposed to defend.¹⁶³

To this end, President Kennedy was a different animal than Eisenhower. Coming out of the Senate and the SFRC himself, the Massachusetts Democrat charted another approach to congressional oversight of the executive branch. Yet it is difficult to determine whether this change had to do with his background in Congress or simply the breakdown of plausible deniability surrounding the planned attack. According to David Wise and Thomas B. Ross' *The Invisible Government*, by the time Kennedy was elected in November, "reports of the training [of Cuban exiles by Americans] had already begun to seep into the public print."¹⁶⁴ Published in 1964, *The Invisible Government* became a bestseller and is widely considered the first book to expose the threat to constitutional values brought on by a secretive organization taking secret action in the name of U.S. foreign policy – Ransom would later simplify this as part of the secrecy-accountability dilemma he perceived. Wise and Ross cite a Guatemalan newspaper's front-page story from October 30th 1960, as one of the first public disclosures of the planned Cuban invasion: "In Guatemala an invasion of Cuba is well underway, prepared not by our own country."¹⁶⁵ Hitting a little closer to home, just a few weeks later an article in the November 19th issue of *The Nation* asked:

¹⁶² Central Intelligence Agency. "CIA Official History of the Bay of Pigs, Volume III: The Evolution of the CIA's Anti-Castro Policies," 15. FOIA search "Dulles Senate." <http://www.foia.cia.gov/>

¹⁶³ Ivan Eland. "On the CIA's Refusal to Cooperate with Congressional Inquiries." July 11, 2001.

¹⁶⁴ Wise and Ross, *The Invisible Government*, 33

¹⁶⁵ Wise and Ross, *The Invisible Government*, 34

"Are we training Cuban Guerrillas?" It went on to say that during a recent trip to Guatemala, the Director of the Institute of Hispanic-American Studies at Stanford University, was told:

"[The] United States Central Intelligence Agency has acquired a large tract of land, in excess of \$1 million, which is stoutly fenced and heavily guarded... it is 'common knowledge' in Guatemala that the tract is being used as a training ground for Cuban counterrevolutionaries preparing for an eventual landing in Cuba. It was also said that United States military personnel and equipment were being used at the base."¹⁶⁶

In terms of the effect these news stories had on CIA oversight by Congress, the Agency's "Official History" confirms that they did inspire some members of Congress to make inquiries regarding CIA involvement.¹⁶⁷ Furthermore, perhaps due to his unique insight into the Legislature of which he had recently been a part, by the end of the year the incoming President indicated to his advisors that oversight would be taken more seriously on his watch.

By the time Kennedy was inaugurated President on January 20th 1961, the coming invasion by CIA trained Cuban exiles was an open secret on Capitol Hill. But a January 10th article in *New York Times* continued to unravel the clandestine nature of the operation when it revealed: "Commando like forces, are being drilled in guerilla warfare tactics by foreign personnel, mostly from the United States."¹⁶⁸-This, Eisenhower later admitted, "told most of the story," but at the time the lame duck President gave instructions that there should be no official comment.¹⁶⁹ Juxtaposing their different stances on congressional oversight, in response to that very same *New York Times* story, the President-elect instructed his senior staff that day to keep Congress in the loop. According to a memorandum from the Under Secretary of

¹⁶⁶ CREST, excerpt from *The Nation*, November 19, 1960.

¹⁶⁷ FOIA Reading Room, "CIA Official History of the Bay of Pigs, Volume III: The Evolution of the CIA's Anti-Castro Policies," 15. FOIA search "Dulles Senate." <http://www.foia.cia.gov/>

¹⁶⁸ *New York Times*, January 10, "U.S. Personnel in Guatemala."

¹⁶⁹ Dwight D. Eisenhower. *Waging Peace, 1956-1961: The White House Years* (Garden City, NY: Doubleday, 1965), 216.

State for Political Affairs to the Secretary of State, found in the Foreign Relations of the United States (FRUS) 1961-63, Vol. X, Cuba 1961-62 collection,

“After discussing a possible statement to the press, concerning the meeting of the Senate Foreign Relations Committee tomorrow, after considerable discussion... the President ruled that Mr. Dulles should testify but that he should insist on no record being kept and no one else being present other than members of the committee and the Chief Clerk. The billed purpose for the committee meeting would be a general intelligence round-up by Mr. Dulles similar to those given in past years.”¹⁷⁰

This statement clearly indicates that Kennedy was willing to extend oversight to the SFRC, a stark change from when the informal CIA subcommittee of the House Appropriations Committee ran the show. Providing evidence that this meeting did in fact end up taking place, the CIA’s own history of the Bay of Pigs confirms that on January 12th, the administration sent a representative to the Hill to provide a further explanation of the *Times* article to the Fulbright committee.¹⁷¹

There is also strong evidence showing that the new President personally confided in his some of his old friends from the Senate and encouraged his staff to do the same. During a walk on the White House lawn right after his inauguration, Kennedy, who had been close friends with George Smathers since they both entered the House of Representatives in 1947,¹⁷² clued him in on the Cuban operation. According to a memorandum of a telephone conversation between DCI Dulles and Senator Smathers on January 24th, found in the CIA’s “Central Records Search Tool” (CREST) database, Smathers stressed that the administration should not show “any appeasement to Castro; no softness of any kind,” to which the Director responded that they should talk in person. In response, the Senator indicated no conversation was necessary when he told Dulles he “was satisfied with the way things were going and that he thought things ought to look better pretty soon.” Taking this consultation

¹⁷⁰ FRUS 1961-63, Vol. X, Cuba 1961-62 collection.

¹⁷¹ FOIA Reading Room, “CIA Official History of the Bay of Pigs, Volume III: The Evolution of the CIA’s Anti-Castro Policies,” 15. FOIA search “Dulles Senate.” <http://www.foia.cia.gov/>

¹⁷² Barrett, *The CIA & Congress*, 439

even further, the DCI then indicated he would still be interested in getting “the Senator’s wisdom on the situation.”¹⁷³ This document evidences several things. For one, it demonstrates how some members of Congress could be hawkish about covert action. For another, it shows that Eisenhower had not fully convinced Dulles there was wisdom in shutting out Congress. It also indicates that Kennedy was more interested in the opinions of individual legislators than his predecessor. More commendably, Kennedy did not limit himself completely to those who shared his assessment of the situation in Cuba – when he invited SFRC Chairman Fulbright into the decision making process, the President knew he was welcoming a voice of dissent. The fact that Kennedy thought it prudent to bring multiple perspectives into a debate that was to some extent already settled, added a constitutional balance where there had recently been none.

In March, Fulbright sent the White House an extended memo regarding the increase in press reports about the U.S. secretly training Cuban exiles in Guatemala, the Caribbean, and even in Florida. In that communiqué, he warned the administration that, having lost all prospect of plausible deniability, further concealment of the planned operation would do more harm than good in terms of public trust – he brought up Eisenhower’s denial regarding Gary Powers U-2 flight over the Soviet Union. He further wondered whether, if the exiles faced more formidable resistance than expected, the U.S. would respond with progressive military assistance to ensure success: “This would include the use of our armed forces which, even under the cover of legitimacy, would undo thirty years of work in trying to live down earlier interventions.”¹⁷⁴ The Arkansas Senator’s cautionary remarks did not impact the immediate planning of the invasion, but the President did

¹⁷³ CREST, memorandum of a telephone conversation between DCI Dulles and Senator Smathers from January 24.

¹⁷⁴ *Fulbright In Arkansas: A Collection of Speeches and papers by Senator J. William Fulbright*. Robert B. Luce, Inc., Washington, 1963.

have enough foresight to realize that having the Chairman of the SFRC oppose a major covert action was no small problem.¹⁷⁵ And so he invited Fulbright to a meeting at the State Department, which, according to the relevant FRUS volume, was also attended by the Joint Chiefs of Staff and others involved in the planning of the Bay of Pigs operation. Summary notes from this meeting taken on the evening of April 4th indicate that while the other attendees approved of the plan, Fulbright was against it.¹⁷⁶ The fact that opposition from such a powerful Senator had no impact on the Bay of Pigs operation is strong evidence that individual legislators could be ignored with little to no consequences, but by including another branch of government in this decision making process, the Kennedy administration was breaking apart the secrecy-accountability conflict by starting a dialogue (avoiding secrecy) and assigning responsibility for specific outcomes (fostering accountability). One might ask if the President, who knew he could count on a certain level of support from his friends in the Senate, was only paying lip service to congressional oversight by allowing a sole opposing voice to be heard. But, under Kennedy's command, oversight of the Bay of Pigs operation was not limited to individual legislators.

According to L. Britt Snider, there is no documentary evidence from 1948 to 1961 to indicate a CIA subcommittee was ever briefed on a specific covert action, "but in contrast to later decades, when Congress and the CIA tussled endlessly over timely notification of covert actions, Allen Dulles told legislators about the Bay of Pigs in advance."¹⁷⁷ A top-secret memorandum from Dulles that contains excerpts from the verbatim transcript of his briefing to the House Armed Services subcommittee on March 10, 1961, can be found on the CIA's Freedom of Information Act (FOIA)

¹⁷⁵ Barrett, *The CIA & Congress*, 448

¹⁷⁶ FRUS 1961-63, Vol. X, Cuba 1961-62 collection, Document 80.

¹⁷⁷ Ranelagh, *The Agency*, 260

website.¹⁷⁸ This remarkable document definitively establishes that the Kennedy administration followed oft ignored oversight procedures that required the executive branch to, at the very least, consult with Congress. In room 314 of the Old House Office Building, at 10:10 am, CIA Director Dulles and U.S. Air Force Deputy Director General C.P. Cabell related to eight members of the House, including four Democrats and four Republicans, the specific details of the plans for a CIA-led Cuban exile force to invade at the Bay of Pigs and topple the Castro regime. Dulles and Cabell even fielded questions from Chairman Paul J. Kilday (D-Texas) and Frank Osmer, Jr. (R-New Jersey), as well as their Chief Counsel Robert Smart. When one Congressman asked how a force of only a thousand men would be able to successfully invade a country with an army more than a hundred times as large, Dulles reassured the Committee that the military had been heavily consulted and that proper support mechanisms were in place to ensure a good chance of success. He said this despite the fact that he knew the Joint Chiefs of Staff had predicted the invasion would have less than an even chance of success¹⁷⁹– but an honesty-accountability dilemma is an analysis for another time.

The House of Representatives was not the only congressional chamber to have members of its Armed Services Committee briefed. Just over a month later, and only a day after Fulbright's meeting with Kennedy at the State Department, on April 5th Director Dulles attended a hearing before the Senate Armed Services Committee where the ominous and frighteningly prescient prospect of Soviet missile bases being built in Cuba was discussed. And while the members of that Committee were first assured that "the current intelligence estimate is that there is no positive evidence that there are jet aircraft, nuclear weapons or missile bases in Cuba," it was stressed that "time was not on [their] side." Senator Richard Russell expressed

¹⁷⁸ FOIA Reading Room. "Memorandum for General Taylor." FOIA search "Dulles House." <http://www.foia.cia.gov/>

¹⁷⁹ Wise and Ross, *The Invisible Government*, 40

his belief that it was a mistake not to have invoked the Monroe Doctrine as soon as it became apparent that Cuba was going to be Communist dominated, and according to a secret memorandum on this meeting written by the Committee's legislative counsel: "He was very strong in his views on this and was joined by Senators [Clifford] Case, [Stuart] Symington, [Strom] Thurmond, and [Prescott] Bush."¹⁸⁰ By the time the United States attempted to remove Castro from power, growing congressional hunger for the dictator's removal would signal – with the prominent exception of Senator Fulbright – overwhelming support for such a move.¹⁸¹

The general congressional intent, extrapolated from committee discussions, speeches, and the interactions of legislators with the administration, was clearly to support whatever it took, outside of outright war, to keep the Soviets from infiltrating Latin America. Therefore, it is not surprising that as the details of the operation at the Bay of Pigs became more and more clear in the press, there was no scramble by any legislators to block such a move. As the day of the invasion approached, press reports came out rapid fire. According to Howard Jones 2010 book, *The Bay of Pigs*, some observers had even uncovered the invasion date, and correspondents from CBS had likewise reported "unmistakable signs" that the operation was in its "final stages."¹⁸² In a front-page story in the *New York Times*, the headline read "Anti-Castro Units Trained to Fly at Florida Bases," with the smaller headline "invasion reported near."¹⁸³ In response to these stories, according to a subsequent article in the *Times*, the White House staked out its position on Cuba when it called Castro's regime a "clear and present danger," to the hemisphere, and

¹⁸⁰ CREST. Memorandum for the Director of Central Intelligence, 6 April 1961. Defense Posture Hearings before the Senate Armed Services Committee.

¹⁸¹ Barrett, *The CIA & Congress*, 429

¹⁸² Howard Jones. *The Bay of Pigs* (Oxford: Oxford University Press 2008), 65-68

¹⁸³ *New York Times*, April 7, 1961, "Anti-Castro units trained to fly at Florida Bases," by Tania Long.

promised "future democratic governments" in Cuba "full and positive support."¹⁸⁴ Finally, on April 16th, the *Times* reported that U.S. manufactured B-26 bombers had struck an arms depot on the outskirts of Havana, and it quoted the Cuban president as saying: "We believe that these planes left the United States and returned to a base there."¹⁸⁵ The idea in Washington had been to conceal the U.S. hand in the bombing by claiming the airstrikes had been carried out by pilots defecting from the Cuban Air Force, but almost immediately that cover story began to fall apart – the markings on the planes matched up more with mothballed American bombers than they did with those active in Cuba.

In the days leading up to the invasion at the Bay of Pigs, there was a complete breakdown in operational secrecy, but there were no calls by Congress to stop the attack. Through its inaction, Congress tacitly gave its approval and thereby accepted some accountability in terms of control. In this context, it is not surprising that congressional response to the invasion was flat, even in the face of such a pronounced failure. While there had been skepticism about the feasibility of the invasion, it was largely tempered by sympathy for Kennedy and the CIA. One exception was Senator Wayne Morse who, unwilling to give Kennedy a complete pass, went on NBC's Today Show and chastised the administration for misleading the public with statements regarding non-intervention in Cuba.¹⁸⁶ Most interesting, though, was the reaction from the former oversight crusader Mike Mansfield.

According to Don Oberdorfer, author of the recent Mansfield biography *Senator Mansfield: The Extraordinary Life of a Great American Statesman and Diplomat*, "After becoming majority leader, the demands on his time did not permit

¹⁸⁴ *New York Times*, April 9, 1961, "Cuban Alarums."

¹⁸⁵ *New York Times*, April 16, 1961, "Arms Depot Hit," by R. Hart Philips.

¹⁸⁶ Barrett, *The CIA & Congress*, 451

him to be as active as before on the Senate Foreign Relations Committee."¹⁸⁷ Rather than blind party loyalty, it was this new position that forced the Senator to take a more conciliatory role following such an extreme intelligence failure; had it occurred during the Eisenhower years, he likely would have capitalized on. But there was no return to his old form. In a *Times* article from April 23rd, Mansfield is described as demanding unity behind President Kennedy: "We can't afford to look back, nor is now the time to seek scapegoats... The times are too serious for such a diversion."¹⁸⁸ In a memorandum to President Kennedy on May 1st, he took a somewhat different tact when he wrote: "...the problem for us now is to face up to the fact that we've made a mistake," and then went on to list examples of when the use of force in Latin America might be more acceptable to world opinion, ironically giving the example of the establishment of Soviet missile bases in Cuba. But he did not renew his calls for a joint committee on intelligence; perhaps in his new position, he was prudently choosing politics over advocacy.

Just because Mansfield did not pick up the ball in terms of oversight reform, did not mean the game was over. Eugene McCarthy, who coincidentally had made his own move from the House of Representatives to the Senate, took up the call for a joint intelligence committee to overhaul the processes of overseeing covert action. A *Times* article from May 2nd asserted that "the attempt to overthrow Premier Castro's regime in Cuba provides increased uneasiness over the Agency's activities," and pointed to McCarthy's resolution to set up a joint congressional "watchdog" over the government's intelligence programs.¹⁸⁹ McCarthy's resolution gained just about as much support as Mansfield's attempt had years before, which is to say some but not nearly enough to effect any change. While members of Congress likely felt

¹⁸⁷ Don Oberdorfer, *Senator Mansfield: The Extraordinary Life of a Great Statesman and Diplomat* (Washington, D.C.: Smithsonian Books, 2003), 179

¹⁸⁸ *New York Times*, April 23, 1961, "Mansfield Decries U.S. Scapegoats."

¹⁸⁹ *New York Times*, May 2, 1961.

responsible, to some extent, for having supported the Cuban action, the new, still relatively popular President, was considered by most to have made a “gutsy move.”

According to notes taken at a National Security Council meeting on May 5th, the opinion was expressed that if the current oversight subcommittees moved quickly to review the CIA’s competence, “there will be less pressure for congressional action.” The administration also set up an executive commission to investigate its own actions as well as those of the CIA, eventually producing “The Taylor Report.” Kennedy even took steps to sanction the Agency, but his well-known love for James Bond and interest in all things clandestine led him to reverse such moves, limiting himself to ousting DCI Dulles. After an editorial in *The New York Times* rebuked Senators who should have used their influence to stop the intervention in Cuba, and called them complicit due to their incessant calls on the executive to “do something about Castro,” some in Congress checked the *Congressional Record* as well as their own correspondence and press releases to see whether or not they had suggested intervention.¹⁹⁰ But for most legislators, what happened in Cuba during April 1961 changed nothing; the Cold War was still raging, the Cubans were still Soviet puppets, and it was the government’s responsibility to do everything it could to prevent Soviet penetration of the West.

¹⁹⁰ Barrett, *The CIA & Congress*, 455

VI. Conclusion

In the end, there was no widespread congressional criticism of the President or the CIA following the fiasco at the Bay of Pigs or demands for heightened intelligence oversight. Such pressure would more likely had the botched invasion occurred during the administration of President Eisenhower, who enforced a high level of secrecy and held Congress at bay, if not in the dark. Similarly, had the failed invasion come during the Eisenhower years, the “up and coming” Mansfield would likely have fared better in the mid-1950s in terms of his proposed joint oversight committee than Eugene McCarthy did with his in 1961. While the SFRC did hold two days of relatively contentious hearings after the assault, and the House Appropriations and Armed Services subcommittees did follow up, public criticism by Congress was, in fact, restrained. This was likely because Congress felt it deserved a share of the blame – they were accountable because they had been given advance notice and thus the opportunity to act as a break on the operation, but they had declined. An article for *The Washington Post* from April 27th, says that Senator Barry Goldwater blamed both parties. He said America should “forget politics” and unite behind an aggressive policy towards Cuba. He commended the President “for what he’s done and for taking the blame for it.”¹⁹¹ In general, the mild congressional response reflected unspoken recognition by legislators that they had to shoulder some responsibility for the failure – they had both encouraged the operation and been thoroughly briefed beforehand.

Post-Cold War scholarship has shown that many of the legally and morally questionable activities of the CIA in the opening decades of the conflict were based on presidential directives, but it is also important to recognize that congressional oversight was not entirely passive or static during this time. Monitoring of the

¹⁹¹ *The Washington Post*, April 27, 1961, “Goldwater Blames Cuban Invasion Failure on Both Parties.”

Agency did become more active starting in the late 1950s after a string of public intelligence failures – Hungary and Suez, among those not previously mentioned above. In the wake of those flops, the CIA subcommittees of the House and Senate Appropriations and Armed Services Committees promised more in the way of oversight.¹⁹² The fact that an increase in calls for better monitoring of the CIA came only in such circumstances indicates that the nature of congressional oversight towards the CIA was often reactive during the Cold War. While the “rogue elephant” characterization of the Agency has been largely discredited since the 1980s, this indicates that to some extent free-roam was tolerated by Congress as long as it stayed in the shadows.

While the 1950s are usually seen as the height of cold war consensus in Washington, with everyone in Congress having marched to the drum of the Commander-in-Chief, the oversight debate shows that there was another side, albeit a losing one. Had timing and circumstances been different, perhaps Mansfield could have capitalized on Eisenhower’s mishandling of the U-2 crisis or taken on Kennedy after the Bay of Pigs. But by then much had changed and Mansfield had his own Senate leadership position to consider. Such reform movements tend to come in waves, though, and the challenges mounted in the 1950s in support of a congressional system of intelligence oversight would eventually dovetail into the Church Committee of the 1970s.

It was fortuitous for Truman and Eisenhower that no intelligence failure during their administrations led to the complete humiliation of the Agency, and that a constitutional crisis did not arise out of faulty and flimsy congressional oversight – the status quo seems to have been maintained by chance as much as than anything else. When Kennedy took office in 1961, the Cold Warrior mentality remained strong in Washington and both political parties continued to see Soviet Communism as a

¹⁹² Barrett, *The CIA & Congress*, 459

grave threat to American democracy. Only a few months later, therefore, one would have expected minimal congressional oversight of Kennedy's first major covert operation and a powerful rebuke when it failed. In the event, however, during the first few months of the administration, Congress was actively brought into the Cuban operation, nullifying both the secrecy and the accountability aspects of a conflict that Ransom believed emerged from the coexistence of covert intelligence work and the prized system of checks and balances. Because there was no constitutional conflict to speak of, after perhaps the most calamitous public failure of all, the same old calls for increased oversight fell on deaf ears. It would be almost fifteen more years and would take allegations of domestic spying to finally induce dramatic changes in congressional monitoring of the Agency. On the heels of Vietnam and Watergate, Congress's tolerance for "dirty tricks" would wear thin – those in Congress who had kept up the calls for increased oversight, fearing the erosion of their constitutionally mandated responsibility to balance the power of the executive, were sadly vindicated in the winter of 1974 when Seymour Hersh of *The New York Times* exposed the CIA's illegal surveillance of the anti-war movement.

Subsequently, Harry Howe Ransom, Loch Johnson, and L. Britt Snider all assisted the Church Committee investigation during the "Year of Intelligence." Ultimately, they applauded the creation of two standing congressional committees devoted to overseeing the activities of the intelligence community, the permanent Senate Select Committee on Intelligence (SSCI) and the House Permanent Select Committee on Intelligence (HPSCI), which they believed substantially strengthened the ability of lawmakers to keep watch over the Agency. But not all would agree – John Prados has repeatedly argued that covert activities violate democratic principles, are in most cases illegal, and are often counterproductive.¹⁹³ He has

¹⁹³ John Prados. *The Family Jewels: The CIA, Secrecy, and Presidential Power*. (University of Texas Press, 2013), 6

insisted that the best medicine for the plague of clandestine failures is greater public access to secret information and more effective congressional oversight of the intelligence community. "These kinds of activities," he writes, "are so intrusive and controversial by nature that government has an almost irresistible temptation to lie about them."¹⁹⁴ In his new book, *The Family Jewels: The CIA, Secrecy, and Presidential Power*, Prados argues that after the creation of two standing committees, the intelligence agencies continued to exceed and abuse their lawful authority and hid what they were doing. The Senate report released in December 2014 on the CIA's brutal and ineffective torture of prisoners that followed the September 11th terrorist attacks proves him right.

There appears to be a clear need for renewed and enhanced oversight of the CIA. The extension of the expansive Patriot Act, signed by President Obama in 2011, and while the overall public interest in better oversight has waxed and waned, the truly extraordinary revelation that the CIA spied on the Senate Select Committee itself, signals that more than ever Congress needs to keep a close eye on the Agency. Government secrets do not belong to the executive branch. The American system imposes on the Legislature a duty to ensure that the secretive intelligence community acts in the best interest of the nation. When accountability clashes with secrecy, Congress must be allowed to determine whether one outweighs the other in order to properly check the authority of the executive branch and to balance out its power.

¹⁹⁴ Prados, *The Family Jewels: The CIA, Secrecy, and Presidential Power*, 58

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